Gender, Law, and Security

Selected Student Research from the Project on Gender and the Global Community

2019-2020

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ON SELF-DETERMINATION
AT PRINCETON UNIVERSITY

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Liechtenstein Institute on Self-Determination
at Princeton University
Student Research Series

Volume III

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Foreword

Who is the 'self' in self-determination? Feminist scholars and activists have long noted that, when self-determination means primarily non-interference in the internal affairs of a governing body, practices and traditions through which men dominate women can flourish.1 In order to fully realize the promise of the concept of self-determination, it is therefore best understood in both collective and individual forms. Women across the world have long sought to influence and shape the nature of their own lives, with a gendered understanding of power and how hierarchies of power are not only created and maintained, and perpetuate inequalities, but also how they can potentially be reorganized and remade. In this spirit, the research agenda and related activities of the Liechtenstein Institute on Self-Determination (LISD) at Princeton University's Project on Gender in the Global Community continues to use gender as a primary lens for analysis and starting point for broader dialogues about sustainable development, state building, economic and political participation, negotiation and mediation, peace, and security. This work considers the gaps that exist and challenges that remain in moving toward gender equality and gender inclusion not only in policy but in implementation and practice—from engagement of key stakeholders and resource allocation to security and judicial frameworks.

LISD began its gender-focused work during the 2009-2010 academic year, and officially launched the Institute's Project on Women in the Global Community at a September 2010 panel convened around the 10th anniversary of United Nations Security Council Resolution 1325 on Women, Peace, and Security, the broadly ambitious thematic resolution marking the first time that the UN Security Council directly addressed the disproportionate impact of crises and armed conflicts on women, upheld the importance of women's equal and full participation as agents of peace and security, and recognized the valuable contributions of women toward conflict prevention, conflict resolution, and peace building. Renamed the Project on Gender in the Global Community (GGC) in 2017, the project examines and interrogates the functioning of gendered structures and norms in the international system, focusing especially on human security, women's economic empowerment, governance, and institution building.

The GGC Student Fellows Program, inaugurated during the 2017-18 academic year, has been an integral complement to this work. Building on student interest in the GGC project and modeled on the successful student fellows program organized as part of LISD's Project on Religion, Diplomacy and International Relations (PORDIR), a dedicated student cohort of Princeton students ranging from first year undergraduates to PhD candidates and postdocs, were selected through a competitive application process. Students met twice monthly throughout the academic year. The meetings through the 2019-20 academic year combined discussions of readings with workshopping of students' ongoing research. Before the COVID-19 pandemic moved meetings online, student fellows met with guest speakers Fatima Goss Graves, President of the National Women's Law Center, and Carmen Rojas, Co-Founder of the Workers Lab.

1. Young Iris Marion (2005) Self-determination as non-domination: Ideals applied to Palestine/Israel. *Ethnicities*. 5(2):139-159. doi:10.1177/1468796805052112; Okin, Susan Moller (1999) Is Multiculturalism Good for Women? Princeton, NJ: Princeton University Press.

Over the course of the 2019-20 fellowship year, GGC fellows pursued independent, academically rigorous research, a sampling of which is presented in this publication. In December 2019, they presented their projects alongside their peers from Columbia University's School of International and Public Affairs during a joint student research day convened at LISD and co-organized with Columbia's Prof. Jasmine Ergas. The papers in this volume include the written output of this independent work, which represent a variety of disciplines and methodologies, and reflect the range of work undertaken by GGC students throughout the year—some in connection to course work, junior policy seminars or senior theses, others as stand-alone research papers, and finally a short framing essay intended to serve as a starting point for a future research project.

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BRINGING BACK WOMEN AND CHILDREN FROM SYRIA:

Rethinking Citizenship Removal and Improving Reentry Policies and Deradicalization Programs

INTRODUCTION

Shamima Begum is one of three British girls who left the United Kingdom in February 2015 to join the Islamic State of Iraq and Syria (ISIS). The fifteen-year-old, with two other young girls, Kadiza Sultana and Amira Abase, traveled from Gatwick Airport to Turkey and then to Raqqa in Syria (Cockburn, 2019). Within days of arriving in Syria, Begum married Yago Riedijk, a Dutch ISIS fighter, and has since had three children, all of whom died due to malnutrition or disease. Found by journalists in February 2019, Begum expressed that she wanted to return home to the UK and, according to a news report, stated, "I hate the Dawla [ISIS's name for itself] so much" (Bowcott and Sabbagh, 2019). Despite her verbal denouncement of ISIS, her British citizenship was revoked by the former home secretary, Sajid Javid, on February 19, 2019. As of May 2020, she remains in the Roj detention camp in Syria (Grierson, 2019; Townsend, 2019). Despite her statement, some speculate that Begum only denounced her alliance with ISIS to convince the UK to take her back due to the poor living conditions in the camps. Current Home Secretary Priti Patel has also insisted that there is "no way" Begum would be allowed back into the UK (Simpson, 2019). The political leaders claim that the safety of the country and its citizens requires the rejection of ISIS returnees like Begum. Begum recently submitted an appeal against the Home Office, and her case was heard secretly before the Special Immigration Appeals Commission (Bowcott and Sabbagh, 2019). Despite her appeal, the Home Office remained adamant that Begum would not be allowed to return to the UK. Although her secret trial may lead to developments, Jonathan Glasson, the lawyer for the Home Secretary, stated that even if Begum's citizenship were to be reinstated, she would not be allowed to immediately return to the UK and will have to remain in the camp until she is determined to be nonthreatening (Gardham, 2019).

The UK's act of removing Begum's citizenship has captured the public's attention and has triggered an ethical and legal debate in Britain and the international community about how governments should deal with citizens who joined ISIS in Syria but now wish to return

home. Begum's story illustrates the complexities of bringing back the family members of ISIS fighters to their home countries. Begum is just one of many UK women and children currently awaiting their future to be determined by the government. It has been difficult to track exactly how many women from the UK joined ISIS and are hoping to return, but according to the International Centre for the Study of Radicalisation's 2018 report, it is estimated that 145 women and 50 minor affiliates—people who have traveled to Syria and made connections with ISIS—from the UK are in Syria (Cook and Vale, 2019). Another estimation from *The Independent* in February 2019 reported 20 British women and children in Syria, with a potential for a dozen or more to emerge from the remaining ISIS territory (Dearden and Hall, 2019). A more recent report by the Egmont Royal Institute stated that there are eight UK citizens, men and women, and 10 children detained in Syria and Iraq (Coolsaet and Renard, 2019). These figures are predicted to be on the lower end of the actual number. It has been challenging to determine the number of UK women and children remaining in Syria, but it can be assumed that the number is less than or about 100, which is a relatively small figure.

In this paper, I focus on these 100 or so UK women and children who are hoping to return to their home country and what the good practices can be for reentry, deradicalization, and reintegration. My focus is limited to women and children because they are detained separately from men and the practicable approach to repatriation is to prioritize women and children, who are most vulnerable and arguably the least dangerous. I discuss the repercussions and ultimately argue that the current practices are illegal and discriminatory. I subsequently suggest a more formal procedure for citizenship removal that requires a fair trial and provide recommendations on how to include women and children in the Desistance and Disengagement Programme (DDP), launched in 2016 as part of the UK's counterterrorism program, CONTEST.

THE PROBLEMS WITH REVOKING CITIZENSHIP

Javid removed Begum's citizenship on the basis that it was a necessary act "to protect the country" (Dearden, 2019). The 2014 Immigration Act gives the home secretary power to legally revoke citizenship only if:

> a. the Secretary of State is satisfied that the deprivation is conducive to the public good because the person, when a British citizen, "has conducted him or herself in a manner which is seriously prejudicial to the vital interests of the United Kingdom" or associated territories; and
>
> b. the Secretary of State has "reasonable grounds for believing that the person is able, under the law of a country or territory outside the United Kingdom, to become a national of such country or territory" (Anderson, 2016).

Because Begum's mother is a Bangladeshi national, Begum can apply and potentially receive citizenship in Bangladesh. Therefore, Javid claimed that Begum was not stateless and that the decision to revoke citizenship was made in accordance with UK law and the 1961 UN Convention on the Reduction of Statelessness (UNHCR, 1961). However, two factors invalidate Javid's argument. Begum was born in the UK and is not a naturalized citizen. Under the British Nationality Law, if a natural-born citizen faces citizenship removal, the home secretary must evaluate the person's other citizenships at the time

of the decision (Gallelli, 2019). In other words, being eligible to apply for citizenship in another country is not enough grounds for the home secretary to revoke the citizenship of a natural-born citizen (Gallelli, 2019). Therefore, Javid acted in conflict with the British Nationality Act because Begum was not a Bangladeshi citizen when her UK citizenship was revoked; she was only eligible to apply for it (Gallelli, 2019). The other factor is that Bangladesh announced that it would not approve Begum's application to become a citizen. Bangladesh Foreign Affairs Minister Shariar Alam stated that Begum would not be allowed to enter the country (Adam, 2019). Further, even if Bangladesh decided to allow Begum into the country, she would have faced capital punishment under the country's law due to her connection with ISIS (Busby, 2019). This would have brought even more scrutiny to the UK's decision because the government would not only be avoiding responsibility for its own citizen but would also be allowing a citizen to be sentenced to death by another country without a fair trial. Due to these violations, Begum remains stateless in Syria, unable to travel to the UK or Bangladesh (BBC, 2019a).

There is a possibility that the UK's decision to revoke the citizenship of 100 women and children in Syria illegally may damage the country's global reputation and influence because it is a breach of international law. Even if some affiliates are eligible for citizenship in a different country, the practice is highly condemned by the international community. Significant issues also arise within the country. According to David Anderson, the Independent Reviewer of UK Terrorism Legislation, citizenship removals are "said to make law-abiding immigrants feel unwelcome because they encourage the notion that naturalized citizens…do not enjoy the same security" as natural-born citizens (Anderson, 2016). In other words, citizenship removal not only affects the women and children who are abandoned in Syria, but also leads to divisiveness between naturalized and natural-born citizens.

In addition to the legal issues of citizenship removal, the Syrian region's resources are limited, and the UK's decision to leave its citizens abroad is irresponsible. The United States, in particular, is urging the UK and other European countries to repatriate their citizens because it views revoking citizenship as a temporary solution that will bring more problems to the region (Sabbagh, 2019). Mark Esper, then the US secretary of defense, described the UK's decisions to revoke the citizenship of its ISIS affiliates and abandon them in Syria as an "untenable situation" (Sabbagh, 2019). The US has repatriated six men, three women, and nine children from the region (International Crisis Group, 2019).

Most important, ISIS has not been completely eradicated, and a resurgence is surely possible. Even though US President Donald Trump declared victory over ISIS in 2018, in August 2019, *The New York Times* reported that ISIS remains active with access to over 18,000 fighters and $400 million. Suzanne Raine, the former head of Britain's Joint Terrorism Analysis Centre, states, "however weakened ISIS may now be, they are still a truly global movement, and we are globally vulnerable" (Schmitt et al., 2019). Trump's decision in October 2019 to pull American soldiers out of the Syrian region and allow Turkey to enter Syria has worsened the situation. Turkey views the Kurdish forces,[1] who have been commanding northern Syria, as a terrorist group closely linked to a rebel group inside the

1. The Kurdish forces or the Kurdish People's Protection Units (YPG), are leaders of the larger umbrella force called the Syrian Democratic Forces (SDF). The SDF comprises Kurds and Arabs, and has been guarding the ISIS detention camps in Northern Syria (International Crisis Group, 2019).

country *(The Economist*, 2019). Kurdish forces guarding prisons and refugee camps were forced to reallocate their troops to fight against Turkey (*The Economist*, 2019). The lack of supervision allowed ISIS prisoners to escape, and *The Guardian* reported that over 750 ISIS affiliates fled from a single camp located in northeast Syria when Turkey attacked (McKernan, 2019a). With these developments, the risk of leaving UK citizens in the region is high.

Prisons and refugee camps, where the escaped men have been kept for several months, are known to be breeding grounds for radicalization. One notable example is Camp Bucca, a detention center in Iraq that was found to be a key location for the development of ISIS (McCoy, 2014). Held there were over 100,000 detainees from the Iraq War, and in March 2009, hundreds of inmates were released (McCoy, 2014). Most famously, the recently killed ISIS leader, Abu Bakr al-Bagdadi, had spent five years at Camp Bucca, along with nine other men who filled ISIS's top ranks (McCoy, 2014). Andrew Thompson, a military veteran, and Jeremi Suri, a researcher, described Camp Bucca as a terrorist academy where prisoners "deepened their extremism" and "broaden[ed] their following" (McCoy, 2014). Although Camp Bucca serves as an extreme example—based on the unpredictable situation in northern Syria—it is dangerous for the UK and other Western countries to abandon their citizens, especially women and children, in areas alarmingly close to ISIS members (Kirkpatrick and Schmitt, 2019). The women and children are at risk of becoming more radicalized and of rejoining ISIS after being rejected by their home country. As Anderson states, the UK's current approach is "a policy of catch and release, setting up today's convicts as tomorrow's foreign fighters where they can do more damage because (unlike at home) they cannot be monitored" (Anderson, 2016). The UN Security Council similarly argues that the current conditions "will not resolve themselves," and that the "threat posed in the short and medium term by adult detainees and in the medium to long term by minors who become increasingly traumatized and radicalized will grow more serious, with consequences in terms of terrorist attacks carried out over a period of decades from now" (Djani, 2019). Due to the region's instability, there are significant future threats from citizenship removal that the UK government has failed to acknowledge.

The UK's argument against bringing ISIS women back also exposes a gender bias in its judicial system and counterterrorism programs. Anthropologist Lila Abu-Lughod states that women in Islamic communities are expected to be victims of coercion and violence and to want "saving" from the outside (Abu-Lughod, 2013). This expectation is even stronger when women are a part of Islamic terrorist groups. The women-as-victims narrative is the initial bias against women, but it has become even more complicated with the changing role of women in terrorist groups. On the one hand, ISIS is extremely patriarchal and mistreats women by buying and selling them as commodities for the pleasure of jihadi fighters and by imposing severe restrictions on them. Focused on establishing the Caliphate, ISIS heavily recruits women from all over the world, needing them to help grow the state's population and to raise future fighters. Female members are also used to recruit other women through online platforms. On the other hand, in comparison to other jihadist organizations, Europol states that ISIS has also worked more intensely to revive the female jihadi fighter, spreading propaganda that depicts historical Islamic female heroes (*Women in Islamic State Propaganda: Roles and incentives*, 2019). According to Mah-Rukh Ali, an Oxford University researcher specializing in ISIS propaganda and women, "ISIS uses women much more actively than we ever saw the Taliban or al-Qaeda using them" (Gardner, 2015). ISIS women have been acting as mothers, wives, recruiters, and fighters. Due to the new roles ISIS wom-

en have adopted, the UK government's biased expectation that women are victims is significantly challenged. The UK government does not know how to cope with the disconnection between its expectation of ISIS women and the changing reality of women's contributions to terrorist groups. According to Katherine E. Brown and G. Rhydian Morgan, the UK "does not know how to handle them [women]" because they are neither victims nor perpetrators of violence. The "crime" they have committed is offending the West by ignoring the idea that the West is good for all Muslim women and refusing to be "good victims" (Brown and Morgan, 2019). Instead of figuring out how to legally process these women, the UK has chosen to respond with rejection.

The gender bias is further corroborated by the fact that the UK and other Western countries have accepted male ISIS members from Syria. It was recorded in 2017 that at least 425 British ISIS members have returned, most of them male (Dearden, 2017). One specific example is a man named Mohammad Uddin, from Essex, who returned in late 2014. Stopped by counterterrorism officials in Gatwick Airport, Uddin was investigated, tried, and sentenced to seven years in prison for joining ISIS. He claims to have returned home because he disliked the living conditions in Syria and that it was "too cold" (Mitchell and Mortimer, 2016). Like Begum, Uddin committed no evidenced acts of violence, but he was allowed back in the UK without having his citizenship questioned. The difference between Uddin and Begum is that he fits the UK penal system's expectations, which is confident in its ability to process the male ISIS affiliate (Brown and Morgan, 2019). This reveals the gendered nature of the UK's security and justice systems. If these women were men who had committed no acts of violence and regretted going to Syria, their situation would be different. If each woman had the agency to travel to Gatwick Airport alone, as Uddin had, would she not be back in the UK? The gendered nature of mobility and agency is also a significant factor that has led to this (gendered) outcome.

Last, by leaving UK citizens in the hands of the Syrian, Turkish, and Kurdish forces, the UK contributes to a growing humanitarian crisis. In 2019, about 11,000 women and children ISIS affiliates were being held in northern Syria across three camps, al-Hol, Ain Isa, and Roj, as highlighted in Figure 1, while male ISIS affiliates were held in separate prisons (*Syria: Dire Conditions for ISIS Suspects' Families*, 2019).

Source: International Crisis Group, 2019

Figure 1

Camps in Syria

Human Rights Watch describes al-Hol as a "dustbowl inferno" (*Syria: Dire Conditions for ISIS Suspects' Families*, 2019). Medical clinics are frequently closed and the camp, with no proper plumbing, has overfilled latrines. Boys over 12 years old are forcibly separated from their mothers at night and taken to the male detention camp. Between December 2018 and September 2019, over 300 children died from preventable illnesses like diarrhea and malnutrition (Taylor, 2019). The conditions in the foreigners' annex are reported to be worse because women cannot purchase goods and are prohibited from having cell phones (*Syria: Dire Conditions for ISIS Suspects' Families*, 2019). Violence is also frequent in the detention camps—in just one week, guards had killed two women. There are also militant women acting as "community enforcers" and sentencing other women to death for breaking Sharia law. The dangerous conditions prevent proper aid and services from reaching the camps and worsen the situation (International Crisis Group, 2019).

The Kurdish forces and the Autonomous Administration of North and East Syria have been urging countries to take back and repatriate their citizens. On November 2, 2019, Turkey Interior Minister Süleyman Soylu announced that Turkey would start deporting ISIS's foreign affiliates, including those whose citizenships have been removed (McKernan, 2019b). Soylu criticized foreign countries for abandoning their citizens and stated, "Turkey is not a hotel for foreign terrorists" (McKernan, 2019b). The logistics of the operation remain unclear (McKernan, 2019b). The local Kurdish officials expressed a similar sentiment, believing that they were brought to al-Hol "to work on delivering them [women and children] to their countries given that they are from different nationalities" (*Syria: Dire Conditions for ISIS Suspects' Families*, 2019). Not only do poor camp conditions violate international law and cause women and children to suffer, but the local countries and forces also are overwhelmed by their responsibility to manage foreign ISIS affiliates and feel exploited by Western countries that continue to object to repatriation. The International Crisis Group (ICG) report similarly argues that Western governments, "with their greater resources and fewer number of detainees," should be leading efforts for repatriation and "stretching to do the most" (International Crisis Group, 2019)

In summary, many conflicts and contradictions arise from the UK's decision to prevent ISIS affiliates, specifically women and children, from returning to their home country. Causing people to become stateless is an illegal action, and the decisions made by Javid and Patel threaten the UK's reputation as a global power. Britain is in an even more complicated situation with BREXIT. Due to the associated unpredictability, it is important to realize that there may be future foreign relations challenges that citizenship removal may bring.

The UK's decision is a short-term political maneuver by the Conservative Party, which wants to emphasize its hardline approach to counterterrorism policies. However, prioritizing short-term political goals could lead to severe risks in the future when the abandoned UK women and children become readmitted into ISIS communities and contribute to the resurgence of the group. Britain could face severe retaliation by choosing to give up its ability to track and monitor the citizens who are potentially dangerous and threatening to the country. Choosing to abandon and leave them outside the jurisdiction of the UK's monitoring and legal system is a contradictory decision if Britain's primary goal is to protect the safety of its citizens. Also, by leaving vulnerable women and children in the dangerous detention camps and prolonging their suffering, the UK is responsible for allowing a humanitarian crisis to continue. Turkey's recent announcement to send back all

foreign ISIS affiliates complicates the situation, and the UK will be soon be forced to face the issue and deal with the consequences of its decision to revoke citizenship.

ASSESSING THE THREAT OF WOMEN AND CHILDREN ISIS RETURNEES

The 2019 UN Counter-Terrorism Committee Executive Directorate Trends Report, *Gender Dimensions of the Response to Returning Foreign Terrorist Fighters,* highlights that based on long-standing tendencies to view women as more emotional than men, female members of terrorist groups are overwhelmingly portrayed as "jihadi brides" who join such groups for "romance and adventure," and are victims of coercion and manipulation (Counter-Terrorism Committee Executive Directorate, 2019). However, the report emphasizes that increasingly, women play "diverse roles in terrorist groups, including as perpetrators, recruiters, propagandists, ideologues, and supporters." The figures support this statement. According to the 2019 EU Terrorism Situation and Trend Report, the number of female suspects of jihadist terrorism in the EU has increased in the past few years. In 2019, women made up 22 percent of arrestees; in 2017, they made up 16 percent, and 26 percent in 2016 (*European Union Terrorism Situation and Trend Report*, 2019).

It is still unclear whether returnees pose a higher threat to the UK than terrorists who have never traveled to Syria. The Egmont Royal Institute report on returnees cited a study that found that of the 61 terrorists who participated in the 10 lethal attacks launched in Europe between 1994 and 2007, only seven were returnees. Another study by the Egmont Royal Institute found that only two of the 66 terrorists involved with domestic terror plots in the UK had gone abroad. The report concluded "it does not appear that returned foreign fighters represent the large-scale threat to Europe that was envisioned" (Renard et al., 2018). The ICG's recent assessment also concluded that the militant women who espouse radical Islamic ideology and violence are in the minority. Most of the women who join ISIS, through "misapprehension, circumstance, or coercion," are not supportive of the group's ideology or actions. Western countries also have the capabilities to screen and distinguish between women who pose a threat and those who do not. The UK government and SDF have information about the women through their interactions with guards, camp officials, children, and other detained women (International Crisis Group, 2019).

While there is no specific evidence about the threat posed by female returnees coming from the Syrian detention camps, based on the assessments of the women, it is reasonable to argue—despite the increase in participation of women in terrorist activities—that the risk they pose as returnees does not justify citizenship removal. Further, the number of potential female returnees to the UK is not substantial enough to be a threat.

PUBLIC OPINION ON THE THREAT OF RETURNEES

Despite the relatively small number of women and children wanting to return to the UK from Syria and the little threat they pose, many UK citizens are unwelcoming. A YouGov survey asked, "Shamima Begum, who four years ago ran away to join the Islamic State aged 15, has been stripped of her British citizenship, preventing her return. Do you support or oppose this decision?" and of the 6,381 respondents, 76 percent supported the government's decision to revoke Begum's citizenship (YouGov, 2019a). Further, when asked, "Do you think her lawyers should or should not be allowed to access legal aid to challenge this decision?" 71 percent of respondents said her lawyers should not be allowed access to

legal aid (YouGov, 2019b). Another survey found that 55 percent of respondents believed that even her newborn son, who has since died, should not be allowed back to the UK (YouGov, 2019c). The YouGov surveys specific to Begum's case show that many UK citizens are uncomfortable with bringing back ISIS affiliates. This will pose a challenge to the UK government if it decides to change its practices, but programs can be implemented to help change public opinion. By highlighting the larger risks associated with leaving UK citizens in Syria and emphasizing the moral and logistical advantages of bringing them back to the UK, a successful public campaign can be conducted.

POLITICAL CHALLENGES ON BRINGING BACK RETURNEES

Similar to the public, political leaders also fear repatriation. They do not want to be responsible for bringing 100 or so women and children who have been exposed to radical ideology and are closely linked with a terrorist group back to the UK. The issue with ISIS returnees is a highly sensitive and complex issue that often leads to politically motivated decision-making and the prioritization of short-term gain. The Conservative Party has decided to place law, order, and security first, and is willing to revoke citizenship as a security measure after a case-by-case review.

PROPOSED SOLUTIONS INSTEAD OF REPATRIATION

Based on public opinion and the political motivations of leaders, the UK government has stood firmly against bringing back its citizens. Since the media highlighted Begum's story, not much legal change has occurred, but the UK government and EU member states have discussed alternatives to full repatriation.

The first proposed solution is to bring back only children. Within days of Begum's story having captured the media's attention, Javid announced that Begum's child would retain his British citizenship and could return to the UK at any time. Unfortunately, before the infant's safe return to the UK could be organized, the baby died of pneumonia at less than three weeks old. The death of Begum's baby sparked outrage among human rights activists and political opponents of the Conservative Party, which argued that the infant's death could have been avoided had the government brought Begum and her child back to the UK when they were first discovered. MP Philip Lee asked the government to "reflect on its moral responsibility for the tragedy" (BBC, 2019b). More recently, the government has made an effort to bring back orphans and children based on the assumption that children do not pose any security threats (Ensor, 2019). The solution to bring back orphans is reasonable. However, choosing to separate families and to bring back children who have living UK citizens as parents is neither a sensible nor a legal solution. The children have been exposed to radical Islamic ideology and violence, and they are likely to suffer posttraumatic stress disorder. Forcing them to then grow up in an unfamiliar country while their parents remain in Syria is not an ideal situation for either the children or the UK government, which is responsible for them. Children will be more vulnerable to radicalization and may decide to travel back to the region to join their parents. There is also a possibility that they will act in retaliation against the UK, which was the actor responsible for separating them from their families. Based on the uncertainty of how separated children will mature, there are significant risks in this first proposed solution. Further, the separation of families without proper judicial review is a violation of the 1989 UN Convention on the Rights of the Child. Therefore, if the UK wants to bring back children without their parents, it will face legal

and logistical complications in executing the solution, since each family will have to be guaranteed a fair trial before separation (Brilmayer and Starr, 2003). This solution also does not address the issue of women returnees.

According to a policy brief published by the European Council on Foreign Relations, European countries have also suggested that foreign affiliates of ISIS be tried in the region they committed their crimes (Dworkin, 2019). One advantage of this solution is proximity to evidence, but it is unlikely that the local justice systems will provide due process. Discussions have pointed to northern Syria and Iraq as potential locations for foreign fighters to be tried. But after the Turkish invasion, northern Syria is no longer a possibility, leaving Iraq as the only option.

In the case of Iraq, there are two potential options that European countries could take when trying their citizens abroad. One is to allow the women to be tried within the Iraqi justice system. The second is to establish a separate chamber in the Iraqi system with international assistance. In the past, Iraq has tried foreigners who they or the SDF have captured, but the process has been widely criticized. Trials often only lasted a few minutes, and many defendants were sentenced to life imprisonment or death based only on their membership in ISIS. Torture, fabricated evidence, and violations of minimum standards of due process were prevalent in the Iraqi courts. European countries have also proposed creating a separate chamber within the Iraqi justice system to try foreign fighters and their families. The separate chamber would exclude the death penalty, establish higher standards of due process, and eliminate torture. The Iraqi government proposed that creating this new chamber would require $2 billion, a rather expensive cost for EU member states to incur. Further, there is no guarantee that the costly chamber created for foreign fighters would meet the minimum human rights obligations and standards of due process (Dworkin, 2019).

Another proposed solution is to set up an international tribunal to try foreign fighters in Syria. Traditionally, the International Criminal Court, of which all EU member states are a part, tries cases related to international crimes, such as genocide and war crimes. The issues tried in international court are large scale, and a new procedure would have to be developed for individual foreign fighters and their families to be tried through the tribunal. This solution is like the proposal to set up a separate chamber in the Iraqi justice system and faces similar issues in financing and guaranteeing fair and proper practices. This method also runs into trouble when deciding exactly who the court could prosecute and whether to include family members of ISIS fighters. Depending on the structure decided, women and ISIS members who did not have leadership roles or had not committed significant crimes may be left out of the system—again leaving women with no way to be tried, punished, and reintegrated into society (Dworkin, 2019).

The proposed solutions of setting up a separate chamber in Iraq or an international tribunal leaves the UK in a unique situation. Once the country leaves the EU, its citizens may not be eligible to be tried in a court largely financed and supported by the EU, and the UK might be on its own to process its citizens.

Last, there have been discussions among Western governments about building an improved detainment facility in Syria, but this is unfeasible mainly due to the volatile nature of the political situation in Syria. It also requires European governments to partner with

nonstate groups like the SDF, which would be problematic. In the end, the unpredictability of Syrian governance and stakeholders leaves this solution unfeasible. It would also require many resources and prolonged monitoring of camps, which does not resolve the issue of foreigners remaining on Syrian soil (International Crisis Group, 2019).

Recommendation 1: Bring back women and children

Based on the evaluations of these proposed solutions, repatriation is the best option. Bringing citizens back to the UK and trying them through the British justice system could also benefit the country. First, the UK might gain access to ISIS intelligence. Terrorism researchers believe that returnees could assist the government by sharing their stories to discourage others from becoming radicalized and joining terrorist groups (Dworkin, 2019). Second, if returnees are tried and found to be a security threat, the UK government can imprison them or severely restrict their movement. Third, once ISIS affiliates are tried and have served their time in prison, they can be required to go through deradicalization programs and to continue to be monitored. Keeping track of citizens who pose security threats to the country is more rational than deciding to abandon them in another country with no means of knowing their whereabouts or actions. By leaving citizens in Syria or Iraq, the UK risks having them become even more radicalized and planning attacks against the country that has rejected them (Dworkin, 2019).

The UK's existing process of repatriation

There are laws and programs in place to assist in the safe and efficient repatriation of affiliates. Further, CONTEST programs will be able to monitor the returnees closely and to provide them the necessary support to reintegrate safely into the British community.

Stricter laws and increased sentencing levels were introduced in the 2019 Counter-Terrorism & Border Security Act. The new amendments "create an offence of reckless expressions of support for a proscribed organization" and "amend the offences of encouragement of terrorism" (Home Office, 2019a). These two offenses are enough to sentence the women returnees to up to 10 years in prison, depending on the evidence of their participation. While other countries may face difficulty securing a criminal conviction for women returnees, the UK's updated laws make it possible for women to receive prison sentences for their participation in ISIS. Although from an ethical perspective sending women to jail for a decision they made when they were 15 years old seems extreme, the UK legal system is capable of assessing women returnees responsibly, which strengthens the argument for repatriation because the UK is prepared to properly process these women and ensure the security of the nation.

Arguments against repatriation have cited the difficulties in securing evidence as a reason for preventing women and children from coming back. But it has been concluded that governments, including the UK, have background information on women in the detention camps and have the tools—in partnership with the SDP and humanitarian organizations—to reliably distinguish between low- and high-threat women (International Crisis Group, 2019). Lack of evidence can no longer be an excuse for leaving the women and children abroad. Once the women returnees are processed by the legal system, they will continue to be monitored through the Prevent program (see below). Even if the women are not sentenced, their travel to Syria, former ISIS territory, legally permits the UK government to

require them to participate in programs to be monitored and mentored (Secretary of State for the Home Department, 2018).

The Prevent program, one component of the UK's CONTEST counterterrorism strategy, "safeguards and supports" individuals at risk of radicalization and helps individuals "disengage and rehabilitate" after being exposed to radical ideologies, including Islamic and extreme right-wing (Secretary of State for the Home Department, 2018). In 2016, the DDP was introduced as a pilot program within the Prevent branch "to reduce re-offending and improve the integration of those already engaged in terrorism or who support it" (Secretary of State for the Home Department, 2018). DDP's primary purpose is to provide an intensive and personalized program, which includes "mentoring, psychological support, [and] theological and ideological advice," to individuals who have participated in and engaged with terrorism, and to help them to safely reintegrate into society (Secretary of State for the Home Department, 2018). The program is mandatory for all individuals who have served prison sentences to address the risk of increased extremism and radicalization that can occur in prisons. The DDP also covers individuals who have traveled to conflict zones in Syria or Iraq and those who have returned after receiving a temporary exclusion order (Secretary of State for the Home Department, 2018).

Not much information is available regarding the DDP, as it is a relatively new program. According to *The Guardian*, in April 2019, about 116 people participated in the DDP, and the Home Office reported that it hoped to double the program's size by June 2019 (Grierson, 2019). Current numbers are unavailable, and the exact nature of the program has not been released by the Home Office. The DDP and other deradicalization programs' success is difficult to assess because each individual's disengagement process is unique (Grierson, 2019). While many countries have adopted programs similar to the DDP, there is still a lack of research on whether true deradicalization—the shedding of radical and violent beliefs—is even possible (Horgan and Braddock, 2010; Irwin, 2015). While there is some uncertainty surrounding deradicalization, overall, having these programs has been found to reduce risk and engagement and improve the monitoring of potentially radicalized individuals (Irwin, 2015). In particular, the DDP does comply with the general recommendations for an effective deradicalization program, which includes an individual, tailored approach and local involvement (Radicalisation Awareness Network, 2017).

Recommendation 2: Inserting gender into deradicalization

The UK's Prevent program has the potential to receive and assist the women returnees and their children, but currently the structure prioritizes assisting male terrorists. It has been found that funding to improve women's security has been cut or diverted to forces focused on "high-risk" and "high-profile" male terrorists (Brown, 2013). The inclusion of women in counterterrorism policies and practices has been completed as a "tick-box exercise" rather than including and engaging with women's issues (Brown, 2013). The essentialization of the Muslim woman as a victim has also contributed to the continuation of inadequate programming and support (Brown, 2013). Therefore, it is crucial that a gender component is added to the UK's counterterrorism strategy, especially in the DDP. It is not enough to use gender-neutral polices, because women's access to status, power, and resources has been systematically and historically limited. Policymakers need to recognize the gender inequality embedded in the programs and adjust policies to address the challenges unique to women returnees (Schmidt, 2018). Mainly drawn from the Georgetown Institute for Women, Peace, and Security's 2018 Policy Brief on Women, Deradicalization, and Rehabilitation, the

following recommendations are designed to improve the UK's programs and make them more accessible and productive for women returnees (Turkington and Christien, 2018).

First, the court systems in the United States and Europe have been found to exhibit gender bias when trying and sentencing terrorists. It often favors women and the stereotypical image of the jihadi bride reduces their sentencing. However, to properly bring back returnees without threatening the UK's safety, the courts must work to eliminate gender bias in their judicial processes and to judge consistently across genders.

Second, women returnees have often left communities deeply affected by poverty and social marginalization (Turkington and Christien, 2018). It has been documented that some women join terrorist groups like ISIS because they view them as more economically secure than their current situation. Deradicalization programs, therefore, must put significant effort into addressing the issues of poverty and lack of opportunity because they are key drivers for women to join terrorist groups. Accordingly, it is crucial to provide additional help to women, including skills training and employment opportunities, because they often return without their husbands and face financial insecurity. Employment will help bring women returnees a safe and engaging life, introducing them to new social networks that will assist in their disengagement and deradicalization.

Third, it has been found that women are more likely to join terrorist groups due to personal relationships. These relationships, therefore, are also critical in their deradicalization process. The DDP should be conscious of how women stay connected to their families and friends, and should introduce them to new communities that will provide a positive influence. The program should also ensure that the women's children are positively supported and welcomed back into communities, because the children's experience and progress closely affect the mother's experience (Turkington and Christien, 2018).

Fourth, the communities built around women participants in the DDP should prioritize the presence of local female leaders, including female "religious leaders, psychologists, teachers, elected officials, and civil service leaders" (Turkington and Christien, 2018). Women returnees will feel much more comfortable connecting with other women, so it is crucial that female coordinators and mentors are readily available in the deradicalization and rehabilitation programs' local administration.

By the same token, the availability of female police officers should be prioritized. According to research, having police forces that are more representative of the population leads to better access, communication, and responses (Turkington and Christien, 2018). The DDP relies on effective communication between the police, the local administrators of the program, and the program's returnees. Consequently, having female police officers is critical.

Recommendation 3: Programs for children

Many children will be returning to the UK after Javid's statement and will require special assistance. Children will have faced intense psychological and physical trauma during their time in ISIS territory and detention camps. The priority should be to assess their physical and mental health and to ensure that they are placed in supportive and healthy environments upon their return. It is important to note that the resettlement process can be complicated for children who have been living in conflict areas as their exposure to violence

has negatively impacted their development. Their readjustment will be significantly affected by their irregular development and trauma (Radicalisation Awareness Network, 2017).

Largely the same recommendations apply to orphans and children returnees—they require a safe environment, mentoring, religious guidance, and a welcoming community. Children should also be monitored for a prolonged amount of time, especially when they experience significant changes in their environment (Turkington and Christien, 2018). One significant challenge will be dealing with children whose mothers are being tried or have been sentenced to serve time in prison. During this time, children will have to be separated from their mothers and put in the care of others. It is recommended that the government take significant effort to seek out relatives and support the families in taking care of the child while their mothers are unavailable. Financial support and guidance should be readily available. Having family members will improve the children's readjustment process and will ensure that they feel connected with their community. In the case that family members are unavailable, foster families or care facilities should be rigorously evaluated to ensure the best care and support. Children returnees, especially those in their adolescent stage, can be vulnerable to re-radicalization, so it is important to mentor and monitor them for a longer period. For children with parents returning from prison, the reintroduction of their parents may trigger different reactions. The family, therefore, should be mentored and monitored together for a prolonged period after the parents' release (Radicalisation Awareness Network, 2017).

Recommendation 4: Changing public perception

The third component to improving the conditions for female and children returnees is working to change the public opinion regarding former ISIS affiliates. It is evident from the polling data that the UK public overwhelmingly fears returnees and believes that they pose an immediate security threat to the country. The government should launch a campaign to reduce the fear surrounding ISIS returnees, first by emphasizing the laws and programs in place that ensure the safety of UK citizens and second by appealing to the humanity of UK citizens to recognize the need to repatriate and rehabilitate ISIS affiliates, especially women and young children. The UK should also rely on international organizations, such as the United Nations, Human Rights Watch, and Amnesty International, to bolster its arguments. A joint effort by the UK and international organizations on such advertising and programming could also encourage other countries to bring back their women and children from Syria. Public opinion regarding this issue significantly affects the success rates of deradicalization and rehabilitation of returnees. Feeling welcomed and supported is beneficial and helps reintegrate women and children into their local communities and the country (Radicalisation Awareness Network, 2017).

COSTS AND ADDITIONAL CONCERNS

In the 2015 Budget, the UK government committed to protecting more than £2 billion per year across all government programs for counterterrorism (Secretary of State for the Home Department, 2018). More recently, in the 2018 Budget, the UK increased funding specifically for counterterrorism policing by £59 million, making the total budget £816 million (Home Office, 2018). The rest of the budget is allocated for security and intelligence agencies, UK special forces, and other improvements, such as better border security, increased media seizures, and more specialist firearms officers (Secretary of State for the Home Department, 2018). Overall, the UK's counterterrorism budget is large, and the

reallocation of funds to support 100 women and children will be a minor concern for the government and citizens. Additionally, records show that funding towards counterterrorism and policing has been increasing within the past five years, meaning that there should be enough funding to administer and improve the DDP for women and children (Home Office, 2019b).

Another important consideration is recognizing that bringing back women and children will require the programs to be administered with increased diligence and care. The UK is fully capable of supporting the DDP for women and children, but their return requires serious effort to ensure that the UK's safety is protected.

CONCLUSION

Shamima Begum's highly publicized case revealed a significant problem in the UK's policies regarding its women and children involved with ISIS. The Home Secretary and others claim that their decision to refuse citizenship and prevent the return of women and children ISIS affiliates is to protect the country's safety and its citizens, when in fact the decisions are largely motivated by political goals. The UK government disregarded its laws and international laws in the process of abandoning its citizens in dangerous conditions. It is palpable that the UK faces a higher threat by leaving its citizens in Syria than if the women and children were to return, especially as this limited group poses much less risk than male members. The alternatives proposed by the UK of bringing only children or setting up courts abroad are also unfeasible logistically and financially as the solutions depend on the UK's relationship with the EU and the political conditions in Syria. Attempting to keep women and children in Syria is also irresponsible and not honorable for the UK, a leading Western country. Therefore, the UK's best choice is to repatriate its women and children citizens, process them through the courts, and provide support with a proper monitoring system. Through this improved process, women and children returnees are able to become contributing members of British society.

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YouGov, 2019b. Shamima Begum was a Bethnal Green school girl who ran away to join ISIS as a teenager and has recently had her citizenship revoked. Do you think her lawyers should or should not be allowed to access legal aid to challenge this decision? YouGov. At https://yougov.co.uk/topics/economy/survey-results/daily/2019/04/17/35ede/2.

YouGov, 2019c. The baby of Shamima Begum—the British born woman who left the UK to join ISIS and subsequently had her UK citizenship taken away from her—has died. The two were staying in a Syrian refugee camp. Regardless of what you think about the decision to not let Shamima Begum back into the country, do you think her baby son should, or should not have been brought back to the UK? YouGov. At https://yougov.co.uk/topics/travel/survey-results/daily/2019/03/11/7a98d/1.

LIZA PAUDEL

WE'RE LIKE LIVING MARTYRS:[1]

Female Ex-Combatants' Negotiations of Gender and Transition after the Nepalese Civil War[2]

INTRODUCTION

During the Nepalese Civil War (also called the Maoist revolution), fought between His Majesty's Government (now the Nepal Government) and the Communist Party of Nepal-Maoist (CPN-M)[3] from 1996 to 2006, many women, primarily from rural areas, joined the rebel forces. By most estimates, the proportion of women in the Maoist rebel army—the People's Liberation Army (PLA)—was as high as 30 percent.[4] Such massive engagement of women outside the confines of the home was a first in Nepal's history and had drastic social repercussions for the women of Nepal, both those within and outside of the Maoist party.

In this paper I use interviews with female ex-combatants to explore their motivations to join the Maoist movement and the realities of their return to civilian life in the aftermath of the decade-long struggle. I place a specific emphasis on their negotiation of gender roles from a fairly subservient (as a young woman in rural Nepal) identity to a military (a more empowering[5]) identity, and then to a civilian identity. The female ex-combatants constituted a significant militarized demographic in Nepal that by joining the PLA and carrying arms, embodied a substantial betrayal to the patriarchal Nepali society. Thus, their post-conflict transition was not only a personal extension of the national shift from war to peace but also of their (and the larger society's) shifting ideas of gender.

I start with the background of the conflict and a literature review. Then, after a brief discussion of the methodology and the data sample, I present my analyses of the results.

1. Interview by author. Personal interview. Nepal, 2014—Sabita (Brahmin), aged 31, joined the movement when she was 14.

2. This research was conducted in summer 2014 with a grant from the Lampert Institute of Civic and Global Affairs at Colgate University. The interview responses and as an extension, this paper, thus reflect the reality and experiences of the ex-combatants at that period of time—eight years after end of the civil war and three years after the reintegration of the rebel army to the national army was complete.

3. Throughout this paper I use CPN-M, Maoists, and rebels interchangeably.

4. Rita Manchanda. "Women's Question in Nepal's Transition.", 5. At http://wiscomp.org/peaceprints/3-1/3.1.3.pdf; estimates provided by Maoist leaders note the number to be about 30 to 50 percent.

5. Aditya Adhikari. 2009. The Bullet and the Ballot Box: The Story of Nepal's Maoist Revolution, 102; Ani Colekessian. Reintegrating Gender: A Gendered Analysis of the Nepali Rehabilitation Process. UN INSTRAW, 11. At https://reliefweb.int/sites/reliefweb.int/files/resources/4DF98D25D63E5852852577CA00683717-Full_Report.pdf.

BACKGROUND

The Nepalese Civil War began on February 4, 1996, with the declaration of the revolution by CPN-M[6], whose goals were the overthrow of the monarchy and the establishment of a Maoist Republic; Constituent Assembly elections to draft a new constitution; the liberation of the poor, ethnic minorities, and other oppressed groups; and secularism among others.[7] At a time when "92 percent of the top administration positions"[8] were still held by the upper caste and "hill elites", and Nepal ranked as the most unequal country in South Asia,[9] this rhetoric of liberation resonated with many marginalized groups within the country, allowing CPN-M to become powerful insurgents in the coming years.

The PLA began acquiring weapons from the Royal Nepalese Army through raids on army bases and barracks. Taking control of the minimal state apparatuses present in the Mid- and Far-Western regions,[10] which are the farthest from the political center and some of the least developed in Nepal, the Maoists were able to establish those areas as their strongholds, even creating their own courts and rule of law in some places. The conflict escalated towards the end of the millennium as both the PLA and the government resorted to higher levels of force. In 1997, amidst reports of rising human rights abuses by the state police in the form of extrajudicial detentions and killings, the government authorized Operation Kilo Sierra II,[11] a brutal operation during which the police and the Royal Army were accused of looting, targeting, harassing, and killing innocent citizens.[12] The locals in these areas then increasingly turned away from the government and towards the Maoists, who strategically dignified people killed by the police as "martyrs of the revolution".[13] Indeed, four of the 25 women I interviewed mentioned Operation Kilo Sierra II by name as the reason they had joined the Maoist movement. After a few temporary cease-fires, the government declared a state of emergency in 2001.

A breakthrough came a few years later when the new monarch, King Gyanendra, dissolved the parliament and assumed direct rule in 2005.[14] All the major political parties, including the Nepali Congress (NC) and the CPN-United Marxist–Leninist (CPM-UML), allied with the Maoists, signing a 12-point agreement to oppose the monarchy. Thousands took to the streets in nationwide general strikes led by this new alliance, *Jana Andolan II* (People's Movement II), in 2006. In April 2006, King Gyanendra capitulated and restored the parliament, which subsequently stripped the monarchy of much of its political power. The military was reassigned as the Nepal Army (NA, previously: Royal Nepalese Army) and Nepal was declared a secular state. CPN-M signed a Comprehensive Peace Accord (CPA)

6. Shobha Gautam, Amrita Banskota, and Rita Manchanda. "Where There Are no Men: Women in the Maoist Insurgency in Nepal." In *Women, War and Peace in South Asia*, 104.

7. "The 40-Point Demand. *Nepal's Maoists: Their Aims, Structure and Strategy*. International Crisis Group Asia Report 104, 27 October 2005, 40. At https://www.crisisgroup.org/asia/south-asia/nepal/nepals-maoists-their-aims-structure-and-strategy.

8. Mahendra Lawoti (Ed.), Contentious Politics and Democratization in Nepal, *SAGE Publications India,* 23.

9. Lawoti (Ed.), Contentious Politics and Democratization in Nepal, 25.

10. Primarily present-day Province 5 and Province 6. The administrative division of Nepal was changed in 2020 to seven provinces (instead of five regions) and 77 districts (instead of 75 districts).

11. Gautam et al., "Where There Are No Men," 109.

12. Paul K. Davis, Eric V. Larson, Zachary Haldeman, Mustafa Oguz, and Yashodhara Rana. "Public Support for the Maoists in Nepal" in *Understanding and Influencing Public Support for Insurgency and Terrorism*, 122. At https://www.rand.org/pubs/monographs/MG1122.html.

13. Adhikari, *The Bullet and the Ballot Box: The Story of Nepal's Maoist Revolution*, 43.

14. Deepak Thapa, *Understanding the Maoist Movement in Nepal*, xii.

with the new Nepal Government (previously, His Majesty's Government) on 21 November 2006.[15] The CPA resulted in the PLA resting its arms and signaled the official end of the war. It also prescribed the reintegration of the PLA to the national army under the supervision and verification of the United Nations (UN). A Constituent Assembly was to be held for the drafting of a new constitution.[16]

The PLA was put into cantonments to be verified by the United Nations Mission in Nepal (UNMIN)—initially planned for six months and then gradually extended to five years. Eligible ex-combatants were given three options at the end of their cantonment stay: army reintegration, rehabilitation (including educational support and vocational training), and voluntary retirement (with a cash package of approximately USD 5,000-8,000, based on rank).[17] Amidst allegations by the ex-combatants of unfair processes regarding education being used as one of the criteria for eligibility, ex-combatants overwhelmingly chose the voluntary retirement option. Of the 32,250 Maoist soldiers, approximately 19,692[18] (of which 5,000 were women) were deemed eligible for integration, but only about 1,000 were fully integrated into the national army.

With no clear winners emerging from the war, the Nepali peace process was bound to be politically charged.[19] Indeed, Nepal's disarmament, demobilization, and rehabilitation (DDR) process effectively did not include any official "reintegration" as the mandate that UNMIN was provided included two main operations: monitoring the arms management of the PLA, and conducting the verification and eligibility process for army reintegration of the PLA into the NA,[20] which can loosely be translated to disarmament and demobilization, respectively. This context is significant when considering the female ex-combatants' perspectives that follow.

LITERATURE REVIEW

Although there has been some research on post-conflict Nepal, there is a distinct lack of studies on female ex-combatants during the transitional phase. Their struggles have often been rendered invisible in the face of bigger political and socioeconomic upheavals that followed the end of the civil war, such as the Constituent Assembly elections and power sharing across the three main political parties.

One of the seminal pieces of writing on the Maoist revolution is *Understanding the Maoist Movement of Nepal* by Deepak Thapa,[21] which chronicles and contextualizes the

15. Colekessian, Reintegrating Gender, 4. At https://reliefweb.int/sites/reliefweb.int/files/resources/4DF98D25D63E5852852577CA00683717-Full_Report.pdf

16. "Full text of the Comprehensive Peace Agreement held between Government of Nepal and Communist Party of Nepal (Maoist)." ReliefWeb. At https://reliefweb.int/report/nepal/full-text-comprehensive-peace-agreement-held-between-government-nepal-and-communist.

17. D. B. Subedi, "Conflict, Combatants, and Cash: Economic Reintegration and Livelihoods of Ex-combatants in Nepal," 241. At https://doi.org/10.1016/j.worlddev.2014.01.025.

18. Manchanda, "Women's Question in Nepal's Transition," 6. At http://wiscomp.org/peaceprints/3-1/3.1.3.pdf.

19. D. B. Subedi, "Dealing with Ex-combatants in a Negotiated Peace Process: Impacts of Transitional Politics on the Disarmament, Demobilization and Reintegration Programme in Nepal," 2. At https://doi.org/10.1177/0021909613507537.

20. United Nations Security Council Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process, S/2007/7. 9 January 2007. At https://digitallibrary.un.org/record/590690?ln=en.

21. Thapa, *Understanding the Maoist Movement in Nepal*.

conflict. Similarly, Aditya Adhikari uses Maoist writings, including ideological and strategic documents, as well as literary documents like memoirs and letters, to detail the history of the Maoist revolution in *The Bullet and The Ballot Box*.[22] The framing and understanding of the conflict in this paper draws heavily from these foundational works by Thapa and Adhikari.

Of the limited literature that speaks to the issue of gender in particular, Ani Colekessian's report for UN Women[23] provides a descriptive account of the women's circumstances during the UN verification process. But it is narrowly focused on rehabilitation packages and practical policy recommendations for the UN on how to address the challenges women combatants would potentially face during civilian transition. Gautam et al.[24] provide a gendered narrative of the conflict—its history, chronology of important events, the demographic of women, and analysis of the same. The authors' discussion of the motivations of the women to join the movement is particularly relevant to my own. They stipulate that the women were so keen to join not only because of the women's liberation agenda in the Maoist struggle, but also because war offered new spaces open for participation that had been previously closed to women.[25] My research draws heavily from their analysis, and my interviews also support many of their findings. Similarly, Rita Manchanda's research question overlaps with my own; Manchanda studies rebel women combatants to see whether the Maoist revolution's tumultuous "ripples"[26] of social change will stay. The news report from *Himal South Asian*[27] also provides a relatively comprehensive outline of the veteran women's struggles.

METHODOLOGY AND SAMPLE

My research is primarily ethnographic. In the summer of 2014, I interviewed 25 female Maoist ex-combatants from all over Nepal. These personal, open-ended, life-history format interviews form the basis of my paper. Given the personal and political nature of the subject matter, I believe it important to hear from the combatants themselves, and include their own words (translated to English and attributed to pseudonyms for privacy). The life-history format is the method best suited for my research because it allows for a more comprehensive, contextualized, nuanced, and sensitive exploration of the ex-combatants' identities, experiences, and realities. As Susan Thomson notes in her writing on post-conflict Rwanda, through life-history interviewing, "we learn more than how they see themselves in relation to others—we also see how they represent their own lived experiences of violence".[28] Almost all the interviews occurred in the participant's home. They usually lasted one to three hours and all questions were open-ended with some contextual prompts in between.

22. Adhikari, The Bullet and the Ballot Box.

23. Colekessian, Reintegrating Gender. At https://reliefweb.int/sites/reliefweb.int/files/resources/4DF98D25D63E5852852577CA00683717-Full_Report.pdf.

24. Gautam et al., "Where There Are No Men", 109.

25. Gautam et al., "Where There Are No Men", 109.

26. Manchanda, "Women's Question in Nepal's Transition." 16. At http://wiscomp.org/peaceprints/3-1/3.1.3.pdf

27. Judith Pettigrew and Sara Shneiderman. "Women and the Maobaadi: Ideology and Agency in Nepal's Maoist Movement." *Himal South Asian* 17, no. 1 (2004): 19–29. At https://www.himalmag.com/ideology-and-agency-in-nepals-maoist-movement/.

28. Susan Thomson, "Getting Close to Rwandans Since the Genocide: Studying Everyday Life in Highly Politicized Research Settings."*African Studies* Review (2010): 19–34, 28. At https://doi.org/10.1017/S0002020600005655.

For sampling, I turned initially to journalists, NGO workers, and researchers in Nepal to help me contact ex-combatants and then used snowball sampling from thereon. I interviewed the participants in three cities: Kathmandu (the capital), Pokhara, and Chitwan, which are also the three largest cities in Nepal.

Participants were between 24 and 45 years of age.[29] All were or had been married, including four whose husbands had been killed or had disappeared, two who had remarried, and one who had been divorced. All except three had children. Most hailed from the Mid-Western, and Central regions,[30] (as shown as the black dots in Figure 1[31], a map of the most affected areas during the Nepali Civil War, adapted from the World Food Program's reporting). This is unsurprising given that those were the Maoist strongholds and where most of the fighting occurred. Most currently lived in cities, however, including the capital, Kathmandu.

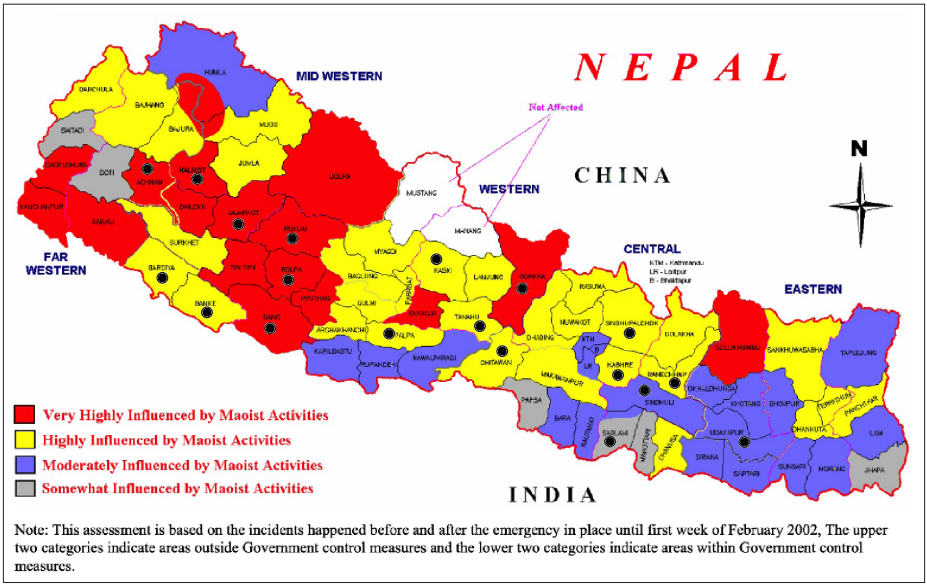

Figure 1
Maoist strongholds mapped by the World Food Program (with data till 2002).
Black dots show where participants in the paper are from (added by author).

All had joined the movement when they were between 10 and 18 years of age, but most of them joined in their early teens. The positions they had held in the PLA ranged from association workers (three) to foot soldiers (eight) to battalion commanders (four) to brigade vice-commanders (three). Fifteen had stayed in cantonments for five or more years

29. I present the women's current age and the age they joined the movement as they self-reported. As these are from the women's memory on the spot during the interviews, there are instances in which some discrepancies occur between the difference of the two and their years of service in the movement.

30. Primarily present-day Province 3, Province 5 and Province 6. The administrative division of Nepal was changed in 2020 to seven provinces (instead of five regions) and 77 districts (instead of 75 districts).

31. "Nepal: Influence by Maoist Activities." World Food Program, February 1, 2002. Author edits added. Please note that this was the administrative map of Nepal during the conflict and in 2014, but it is outdated as of 2020. The administrative divisions in Nepal have been changed to seven provinces (instead of five regions) and 77 districts (instead of 75 districts). At https://reliefweb.int/map/nepal/nepal-influence-maoist-activities.

after the war ended. Five were then or had previously been members of the Constituent Assembly who were elected after the war ended. Almost all were poor or working class.

DISCUSSION OF FINDINGS

The key finding of my research is that many of the women had struggled with their adjustment back into civilian life primarily because their gender performance and political views did not align well with that of the largely conservative Nepali society. There are also intersectional dimensions of caste and class in their entrance to, experience during, and integration after the war. I discuss recurring themes and findings in detail below.

1. Two Positional Entrances into the Movement: Student Associations and Survival

More than half of the women (14 out of 25) began their involvement in the Maoist movement through student associations. Student associations in Nepal can often operate as political entities, akin to the student wing of a political party. They are frequently mobilized in rallies and protests, and members are essentially seen as cadres by the political parties. Once the revolution was declared, these associations came to be hotbeds for recruitment for the Maoists. Students began joining student associations as early as sixth grade—in their preteen and early teenage years—and for most of the participants, their entry into the movement involved learning about the association from older students.

> *I started working in the student association and got more curious about politics while working there. Once the war began, I got even more interested in the movement because this was the party whose ideals served everyone—every layman and every oppressed person.* [32]

> *I got attracted by the party's communist songs that I heard from my dad and his friends. One in particular, "ma chhori haina ra?" (Am I not a Daughter?) I was obsessed with it. Slowly, once the war started, I got "training" and I got really impressed with the party and joined the movement.*[33]

However, entry through student associations prerequisites hailing from families with enough social awareness, and more importantly, the economic means to send girls to school: mostly relatively well to-do and higher caste families hailing from the Central and Eastern areas. As Manju from the Eastern region notes, "I was from a middle-class family, I didn't join and fight because I had nothing to eat, I went to fight because others didn't."[34] For girls from Mid-Western and Far-Western regions—Maoist strongholds during the war that traditionally have been less developed and have a larger share of Magar and Tharu individuals—the reason for joining the movement was far more violent and survivalist: to escape police oppression. As the rebel stronghold, the counter-insurgency operations that the government launched in these areas were harsh and the subsequent police brutalities

32. Interview by author. Personal interview. Nepal, 2014—Binita (Chhetri), aged 40, joined the movement when she was 13.

33. Interview by author. Personal interview. Nepal, 2014—Sarada (Magar), aged 38, joined the movement when she was 19.

34. Interview by author. Personal interview. Nepal, 2014—Manju (Brahmin), aged 30, joined the movement when she was 13.

were inescapable for many.[35] Many from these regions then joined the Maoist movement to live and "take vengeance on the police."[36] Many of these recruits were Magar and Tharu, two "lower" caste/ethnicities that the police indiscriminately targeted as Maoists and Maoist sympathizers.[37] Especially during the years of Operation Romeo and Operation Kilo Sierra II,[38] the harshest of offensive attacks on the insurgents, the rebels saw a spike in the recruits from these regions.

> *The police came to our house every day. They took me out of school to question me in the police offices and followed me around. I was harassed in my room when they came to search our house without a warrant. They took my father and tortured him for two months for no reason. I cultivated a hatred toward the police because of that. If we are to experience such cruelty as innocent bystanders, we might as well support the other guys. It got to be enough. So, one day I just went underground and joined. I was forced into politics.*[39]
>
> *The Royal Army was torturing and raping people in the jungles, so 70 of us left together from school with blessings from everyone [in the village]. There had been too many killings, including that of a 6-month-old baby. We couldn't stand the atrocities. There was no environment to live, let alone continue to study.*[40]
>
> *I joined because "It is better to go crazy than to die" [a Nepali proverb]. It was a forced decision rather than one I made with any rational choice.*[41]
>
> *I joined because of government brutality. There were so many brutalities that I saw [from the police and the Royal Army]: they killed six students from our village for no reason; they would cut tongues and tie women with ropes or lie about taking them to their headquarters and shooting them. In Rukum, if they found a woman they'd rape and torture them, if they found a man, they'd shoot him straight. That left a huge impression on me. So, even more than any political reason, it was about surviving. It seemed like it was the Maoists that were on the side of the civilians.*[42]

35. Thapa, *Understanding the Maoist Movement in Nepal*, 12.
36. Adhikari, *The Bullet and the Ballot Box*, 42.
37. Adhikari, *The Bullet and the Ballot Box*, 88.
38. Gautam et al., "*Where There Are No Men*," 104.
39. Interview by author. Personal interview. Nepal, 2014—Aastha (Tharu), aged 33, joined the movement when she was 15.
40. Interview by author. Personal interview. Nepal, 2014—Bindu (Dalit), aged 27, joined the movement when she was 18.
41. Interview by author. Personal interview. Nepal, 2014—Luniva (Magar), aged 31, joined the movement when she was 13.
42. Interview by author. Personal interview. Nepal, 2014—Salina (Brahmin), aged 25, joined the movement when she was 13.

Gautam et al. also identify these two broad categories of women recruits[43] to the war that generally align with the two stages of the maturity of the war: student associations were a prominent factor during the initial years, and police brutality became more prominent as a motivation as the conflict matured. The regional (and subsequently, caste and class) differences between the recruits also plagues the party hierarchy: most women leaders within the party are disproportionately from the higher Aryan-related and Brahmin castes/ethnicities while most of the foot soldiers consist of non-Aryan, Magar, Tharu and Rai castes/ethnicities.[44]

2. Women's Liberation as Party Agenda versus Practice

2.1 Gender Equality (or Lack Thereof) Within the Party/Rebel Army

"Before the Maoist movement, there were no women in the army."[45] Several of the women interviewed brought up this fact during the interviews, unsolicited. It reveals the immense pride the women take in their part in achieving this historic accomplishment, framing it as a huge step in the women's movement in Nepal. Indeed, at the time, the Maoist party had more women in leadership capacity than any other political entity had ever had in Nepal.

The party also routinely touts the large number of its women recruits as one of its successes. Adhikari notes how party leadership encouraged journalists to write reports on women leaving oppressive systems and finding liberation within the party.[46] Such reports could easily give a false sense of egalitarianism within the party, but as Manchanda notes, there is a huge difference between visibility and protagonism.[47] In her survey, almost 74 percent of the women in the party said they had felt discriminated against at one point or another.[48] My research echoes Manchanda's finding: about half of the women in my study (11 of 25) said they had experienced discrimination within the party either based on their gender or their caste/ethnic identity. They denied any outright harassment but admitted to subtler forms of gender discrimination, primarily the leadership's hesitation to assign significant responsibilities to women, and male colleagues feeling or acting difficult, annoyed, and/or uncomfortable when there were women soldiers in their battalion. According to the women I interviewed, the highest military rank fulfilled by a woman in the PLA was that of battalion commander.[49] There are at least three other positions (division commander, platoon commander, and chief commander)[50] above battalion commander, and the vice-commanders to all of those positions. The women's experiences contradict some of the official narrative of the party that "opened up the fighting ranks to women."[51]

43. Gautam et al., "Where There Are No Men," 94.

44. Gautam et al., "Where There Are No Men," 94.

45. Interview by author. Personal interviews. Nepal, 2014—Sarita (Dalit), aged 30, joined the movement when she was 16; Punam (Magar), aged 31, joined the movement when she was 15.

46. Adhikari, *The Bullet and the Ballot Box*, 96.

47. Manchanda, "Women's Question in Nepal's Transition," 6. At https://wiscomp.org/peaceprints/3-1/3.1.3.pdf.

48. Manchanda, "Women's Question in Nepal's Transition," 7. At https://wiscomp.org/peaceprints/3-1/3.1.3.pdf.

49. Interview by author. Personal interview. Nepal, 2014—Punam (Magar), aged 31, joined the movement when she was 15.

50. International Crisis Group, Nepal's Maoists: Their Aims, Structure and Strategy, 38. At https://www.crisisgroup.org/asia/south-asia/nepal/nepals-maoists-their-aims-structure-and-strategy.

51. Manchanda, "Women's Question in Nepal's Transition," 5.At https://wiscomp.org/peaceprints/3-1/3.1.3.pdf.

I didn't find it as equal and secular as they had claimed. Discrimination against women was rampant even in the cantonments and people were very inflexible in their traditional thinking.[52]

We fought (within the party) to be able to fight in "first assault."[53] *Some had to beg, others cried, but we didn't back down. Imagine! All of that to sign up to be the first ones to die!*[54]

They [other soldiers within the party] used to say I wouldn't last long in battle as a woman. They urged me to return home and to not strain myself. I always used to fight back—why should I leave?[55]

Gautam et al. suggest that women soldiers were "ideologically and programmatically incorporated"[56] into the agenda by the party once it was seen to be advantageous. They note how the leader of CPN-M, Prachanda, admitted that before the war, the "women's question"[57] had not been taken seriously by the party. Indeed, the party's advancement of the women's agenda to the forefront could have come as a result of pressures from the increasing number of women recruits.[58] When the number of women recruits to the movement peaked around 2000 and 2001,[59] is around the same time that the party propaganda started featuring women's liberation more heavily. Still, as Adhikari notes, the vast majority of Maoist literature was written by men and "rarely included a female perspective."[60]

Pettigrew and Schneiderman's research finds that only 16 percent[61] of the women soldiers cited gender equality as the reason they joined the party. My research seems to support this finding since none of the women I interviewed recalled it as one of their primary reasons for joining the movement, although half of them cited 'social inequality' as a primary driver for enlistment.

52. Interview by author. Personal interview. Nepal, 2014—Harimaya (Brahmin), aged 26, joined the movement when she was 18.

53. First assault refers to first line of combat in PLA vernacular. Interview by author. Personal interview. Nepal, 2014—Shanti (Chettri), aged 32, joined the movement when she was 13.

54. Interview by author. Personal interview. Nepal, 2014—Shanti (Chettri), aged 32, joined the movement when she was 13.

55. Interview by author. Personal interview. Nepal, 2014—Indira (Brahmin), aged 45, joined the movement when she was 20.

56. Gautam et al., "Where there are no men," 116.

57. Gautam et al., "Where there are no men," 117.

58. Interview by author. Personal interview. Nepal, 2014—Indira (Brahmin), aged 45, joined the movement when she was 20.

59. Interview by author. Personal interview. Nepal, 2014—Punam (Magar), aged 31, joined the movement when she was 15.

60. Adhikari, *The Bullet and the Ballot Box*, 97.

61. Manchanda, "Women's Question in Nepal's Transition," 10. At https://wiscomp.org/peaceprints/3-1/3.1.3.pdf.

2.2 Burdens of Image During and After the War

A recurring theme surrounding the difficulty of war for the participants was one of "image." Usually defined in terms of sexual purity, the women reported having to always be cautious about not sending the wrong message to any men, both inside and outside the party. In times of war, when women's bodies become prime targets, there is an added stigma on women soldiers who "enter the jungle"—a perceived, extreme "sexual licentiousness."[62] The women I interviewed were not unaware of this.

> *Even inside the same party with the same ideals, not everyone is disciplined. I mean, our codes of conduct were very strict but even then, if we weren't cautious, things could go bad. There was also the view of society. In a society where a woman cannot even freely talk to any man, to travel at night under a team of men—sometimes as the only woman—through forests and villages… people get suspicious. I can understand that, but I cannot let them be right. So, I was constantly aware.*[63]

Given that propaganda against the rebels specifically targeted women soldiers' sexuality, portraying the Maoists as "corrupting" women, including through fake reports of condoms found in Maoist bases to allude to sexually hedonistic behavior,[64] this is hardly surprising. Another related concern that arose multiple times and underscored most of the women's experiences during the war was a need to protect their "honor"—defined in terms of an unviolated body.[65] The women recounted how stories of rape by the Royal Army abounded in the news they received during the war.

> *My overriding concern going into any combat was that I would rather die than get captured. I would pray that I get shot, because once you're shot, you are down, and it is done. But if you were to be alive still…*[66]
>
> *I wasn't scared of dying. I was scared of getting raped.*[67]

62. Manchanda, "Women's Question in Nepal's Transition," 14. At https://wiscomp.org/peaceprints/3-1/3.1.3.pdf.

63. Interview by author. Personal interview. Nepal, 2014—Sarita (Dalit), aged 30, joined the movement when she was 16.

64. Gautam et al., "Where There Are no Men," 120.

65. Interview by author. Personal interview. Nepal, 2014—Shanti (Chettri), aged 32, joined the movement when she was 13.

66. Interview by author. Personal interview. Nepal, 2014—Sarita (Dalit), aged 30, joined the movement when she was 16; Pooja (Chettri), aged 31, joined the movement when she was 13.

67. Interview by author. Personal interview. Nepal, 2014—Sabita (Brahmin), aged 31, joined the movement when she was 14.

2.3 Party as the Patriarch, and Policing of Sexuality

Relatedly, for a party that capitalized on its "radical" persuasion, CPN-M still equated the "honor" of their soldiers with their sexual purity.[68] This is best demonstrated in the party's guardianship role in the romantic and sexual lives of the soldiers. All romantic relationships needed to be approved by the party. Weddings had to be "Maoist-style" to be considered legitimate: not lavish (unlike traditional Nepali weddings), with the bride and groom exchanging guns instead of traditional flower garlands, and often done in groups. In fact, the party, towards the latter half of the war, started to pressure single or widowed soldiers towards marriage[69] to increase the soldiers' commitment and obligation to the party.[70] All except one of the women I interviewed had married through the "proposal" of the party. The one exception was a "love marriage" that the party had approved.

> *I had not even seen him before I got the proposal from my supervisor. I had no intention to marry anyone, I just wanted to devote my entire life to this cause. As the pressure started to mount both from my supervisor and my friends, who were all getting married as well, I thought "Well, I guess you have to marry sometime," so I agreed. And then we had a Maoist-style wedding together with three other couples.*[71]

> *My daughter sees pictures of weddings of other couples in their houses and comes and asks me, "Did you not marry my dad? Where are the pictures?" because we only had a "progressive wedding" with only candles and gun exchange, and no pictures.*[72]

As Gautam et al. and Manchanda note, this "leader-patriarch"[73] role played by CPN-M is regressive to the party's stated aims of women's liberation. The party, and through it the women, hold a rigid biological definition of sex and gender. Everyone I spoke to from the party, including the interviewees and other key informants within the party, subscribed to the gender binary, seemed to view sex as vulgar, and tended to reason many male/female or man/woman distinctions back to their biology, with essentialist statements like "women have more capacity to endure"[74] (as also reflected in the party literature[75]) in the same conversation as "women are not physically weaker just because they are women."[76]

68. Gautam et al., "Where There Are No Men," 120.
69. Adhikari, *The Bullet and the Ballot Box*, 101.
70. Adhikari, *The Bullet and the Ballot Box*, 99.
71. Interview by author. Personal interview. Nepal, 2014—Shanti (Chettri), aged 32, joined the movement when she was 13.
72. Interview by author. Personal interview. Nepal, 2014—Pooja (Chettri), aged 31, joined the movement when she was 13.
73. Gautam et al., "Where there are no men," 112.
74. Interview by author. Personal interview. Nepal, 2014—Shanti (Chhetri), 32, joined the movement when she was 13; Monica (Brahmin), 32.
75. Adhikari, *The Bullet and the Ballot Box*, 102.
76. Interview by author. Personal interview. Nepal, 2014—Shanti (Chhetri), 32, joined the movement when she was 13; Monica (Brahmin), 32.

3. *Loyalty by Level*

There is an immense pride that all of the women interviewed take in the war experiences they had, and in what they view as a fight against injustice. Almost all of them still feel very protective of the party and their ideals.

> *If I weren't in the movement, I would have just had a simple life: pleasing my husband, my mother-in-law, and nothing else. But I got to rise above that and scrutinize society and define it and understand it. It is all because of the war. I made experiences and history. Otherwise, I would have been married off at 17. I am really proud of my life.*[77]

All the women, when asked if they regretted anything about their war experiences, responded that they had no regrets. Phrased a slightly different way, the answers to "Would you do it again knowing what you know now?" garnered slightly different responses. Most people said yes again, but added that they would have perhaps joined in their later years and not when they were so young. But a few of them responded that they probably would not have joined the movement.

> *"Had I not had been married off at 13*[78] *to a draconian mother-in-law, I probably would not have joined the movement."*[79]

The strength of devotion and positive feelings towards the party seem to differ most across their ranks. For the women that I interviewed who were in higher positions in the army, not only were they more likely to still be working for the party and making it their occupational focus, they were also more likely to commemorate and recall the war experiences more fondly. One participant, for example, had her entire apartment proudly laden with the party flags, framed pictures of her and her husband in their uniforms, and a framed picture of their battalion. By contrast, another participant who had been in the PLA for an equal number of years serving as a foot soldier was completely wary of the party, commenting:

77. Interview by author. Personal interview. Nepal, 2014—Indu (Dalit), aged 30, joined the movement when she was 16.

78. Child-marriage is still pervasive in rural Nepal. Half of all girls are married off by 18 according to UNFPA: "Empowering Girls in Nepal to Say 'No' to Child Marriage." UNFPA. At http://www.unfpa.org/public/home/news/pid/12167.

79. Interview by author. Personal interview. Nepal, 2014—Ramadevi (Chhetri), aged 31, joined the movement when she was 15.

These days I support whoever can help me improve my condition, Maoist or not Maoist.[80]

When we don't even have anything to eat or a place to stay, how are we to carry somebody else's philosophy? First the basic needs—food, shelter, clothing—has to be arranged for. Marx and Engels were good for the war years, not anymore. [81]

4. Tumultuous Transition

4.1 Social Reintegration Hindered by Disjunction with the Conservative Status Quo

Colessakian warns that the rebel soldiers might find it "difficult to adjust to traditional experiences."[82] The stories in my research substantiate her predictions.

Of the day-to-day activities, the women I interviewed noted that engaging in social and religious festivals was simultaneously the most important and the most difficult to navigate. Given the huge role religious festivals, rituals, and traditions play in building and maintaining the communal nature of Nepali society, this disconnect between the ex-combatant women and "civilians" is of high relevance. The ex-combatant women reported that they have had to avoid some festivities and gatherings because of one or more of these reasons: negative public perception of them, a personal lack of belief in the ritual, and/or a lack of means to attend them.

First, the aforementioned stigma of sexual hedonism attached to women soldiers prevails extensively post-transition in both cities and rural areas. So does the idea of ex-combatant women being more "aggressive"[83] and unruly, deviant from the conventionally demure and obedient role of women of Nepal. The women recounted how many people in their community still feared them. Additionally, as a result of the push from the party, many marriages in the Maoist party during and after the war were intercaste—a staggering 40 percent.[84] Given the entrenched caste system in Nepal, especially in rural areas where many of these women hail from, such intercaste marriages are not easily accepted.[85] As such, social reintegration has not been easy or particularly successful. As others have noted, this is particularly harder on the returning women than on the men.[86] The women reported

80. Interview by author. Personal interview. Nepal, 2014—Luniva (Magar), aged 31, joined the movement when she was 13.

81. Luniva (Magar), aged 31, joined the movement when she was 13.

82. Colekessian, Reintegrating Gender, 12. At https://reliefweb.int/sites/reliefweb.int/files/resources/4DF98D25D63E5852852577CA00683717-Full_Report.pdf.

83. Colekessian, Reintegrating Gender, 13. At https://reliefweb.int/sites/reliefweb.int/files/resources/4DF98D25D63E5852852577CA00683717-Full_Report.pdf.

84. Colekessian, Reintegrating Gender, 13. At https://reliefweb.int/sites/reliefweb.int/files/resources/4DF98D25D63E5852852577CA00683717-Full_Report.pdf.

85. Although anecdotally, inter-caste marriages were more accepted in Maoist strongholds like Rolpa and intercaste marriages that are "closer" in ethnicity and culture like Chhetri-Magar were more easily accepted than pairings of Bahun-Chhetri castes. Also noted by Anita (Magar), aged 28, who joined the movement when she was 16.

86. Adhikari, *The Bullet and the Ballot Box*, 103.

having to deal with microaggressions on most days. In fact, one of my interviewees was disturbed by a neighbor yelling at the ex-combatant to keep her goats in check. The neighbor's tone was overly hostile, angry, and condescending given the small incident.

> *Ours is an intercaste marriage, which society doesn't accept. It was a marriage of feelings and philosophy, neither of which are still valid in this society.*[87]
>
> *Because of our intercaste marriage, too, there is no way to be shielded from society. We are very visible. My family has not quite accepted it still, and we are left in between.* [88]
>
> *Given our intercaste marriage, it is difficult to go back home. They asked me to either leave him or to leave the house. So, to keep my marriage intact I had to move.*[89]

Second, most women soldiers report little regard for ritualistic festivals (which had been banned by the party leadership as "retrograde"[90] customs). This is especially true of superstitions and traditions that perpetuate conventional women's roles—gender-consciousness is another distinct product of their involvement in the war. As such, their choice not to participate in social rituals often stands out negatively among other women in the community. The ex-combatant women are thus often in a delicate predicament, needing to choose between keeping their beliefs and gaining acceptance into society.

This dilemma extends to the materialistic and superficial nature of communal celebrations and gatherings. So much of Nepali festivities constitute people dressing up, with women often sporting expensive jewelry to a competitive degree. To many of the women soldiers, the materialistic aspirations of civilian Nepali housewives often seemed petty. Manyex-combatant women do not wear jewelry or makeup or accessories—sometimes not even the bare minimum of the *sindoor.*[91] Again, this nonconformity puts the ex-combatant women in an uncomfortable position with their noncombatant women peers.

Multiple women termed this distance in their values from those of their civilian counterparts "suffocating."[92]

> *For example, if we get invited to local events and festivities and we don't go, they think and gossip, saying we are acting hoity-toity, but if we go, we cannot match their status of wealth and show[ing] off.*

87. Interview by author. Personal interview. Nepal, 2014—Pooja (Chettri), aged 31, joined the movement when she was 13.

88. Interview by author. Personal interview. Nepal, 2014—Aastha (Magar), aged 33, joined the movement when she was 15.

89. Interview by author. Personal interview. Nepal, 2014—Sanskriti (Magar), aged 38, joined the movement when she was 17.

90. Adhikari, *The Bullet and the Ballot Box*, 137.

91. Red powder married Nepali women wear on their foreheads as a signal of marital status.

92. Interview by author. Personal interview. Nepal, 2014—Shanti (Chettri), aged 32, joined the movement when she was 13; Maya (Magar), aged 29; and Ramadevi (Chhetri), aged 31, joined the movement when she was 15.

If you go to a party, a wedding party, for example, the glamour and show[ing] off there is so high, people sell their houses and get loans to wear jewelry. We can never match it. We might not even have a good sari to wear. And it is so competitive, especially for the women.[93]

My landlord has different beliefs than me. Just to make myself seem "normal" to her, I have to compromise on a lot of things! I do not agree with all these traditional beliefs, conservative rituals like celebrating festivals lavishly or deeming myself "untouchable" during my period. But I have to conform to it. So many times, I have felt compelled to tell her I went to the temple when I didn't or pretend to have bathed for religious holidays even if I don't care to. Not for myself, but for her sake! Lie, just to be able to live on rent from someone...to conform to society, such unfairness![94]

It is important to note how the Nepali society's conservatism disproportionately affects ex-combatant women more than their male counterparts. Nepali women are frequently a part of communal mothers' and sisters' groups, visit each other often, and may generally spend more time with each other compared to men. As such, societal acceptance is necessitated more for women. The women also bear more explicit manifestations of their "radical" ways than do men, in the form of palpable lack of jewelry, *sindoor,* or certain dress codes and etiquettes, as well as deviations from social (and institutionalized) rituals like daily prayer or going to temple regularly, for instance, that are far more reserved for women than for men. The women's "radical ways"—most of which derive from their Maoist teachings and affiliation and engagement with the party—greatly hinder their social reintegration.

Our life since voluntary retirement is one of intense suffocation. Neither can we return to the old lives and society, nor has the society embraced the new ideas we rallied for. It is in a transition phase.[95]

It almost feels like our lifestyle, work ethic, [and] goals in life are all different and there is nothing in common, either in thought or work [with the other women in her community]. I felt like an outsider and the society behaves to[ward] me like an outsider, too.[96]

4.2 An Incomplete Transition and Regression to the Mean

Many ex-combatants report feeling that they are at a "higher level of political and societal awareness and consciousness compared to the ordinary citizen"[97]regarding their use

93. Interview by author. Personal interview. Nepal, 2014—Shanti (Chettri), aged 32, joined the movement when she was 13.

94. Interview by author. Personal interview. Nepal, 2014 —Shanti (Chettri), aged 32, joined the movement when she was 13.

95. Interview by author. Personal interview. Nepal, 2014—Shanti (Chettri), aged 32, joined the movement when she was 13.

96. Interview by author. Personal interview. Nepal, 2014—Indu (Dalit), aged 30, joined the movement when she was 16.

97. Interview by author. Personal interview. Nepal, 2014—Sabita (Brahmin), aged 31, joined the movement when she was 14.

of communist-inspired language and their relatively deep understanding of class struggle and the systematic nature of oppression. Many often choose to ignore or avoid interactions with civilians, or at least with specific groups of people. Yet the women's difficulty connecting with their civilian counterparts masks a greater sadness in the ex-combatants' lives: they question their identity and belonging. Many express nostalgia for wartime.

> *It would almost have been better if we weren't conscious and aware. We would blend in and conform well. But now, we cannot go back.*[98]
>
> *It was just easier during the war. I almost think it would have been easier if I would have died in the war. Then I wouldn't be in this neither-this-nor-that state. Now it's just hard.*[99]

My research also supports Colessakian's prediction that the women's "obtained sense of empowerment" is "threatened"[100] upon return. To fit in, participants report having to forgo their gender and political consciousness and to revert to traditional gender norms, submitting to societal expectations. With nowhere else to go and little to support themselves, the women were also relegated to the home and forced to depend on their husbands and families.

Several women also mention that they had difficulties parenting, having been away for so long during the war when the children were small that the children felt disconnected from them.[101]

> *Once we got out, many women were forced to lead the life of a "pure housewife." They have kids and are forced to take care of them and do household chores. The husband is free and can pursue politics if he wants. But most women have returned to the same circumstances (as before).*[102]
>
> *Our life right now is more difficult than during the war in some ways. We know nothing and we have nothing.*[103]

98. Interview by author. Personal interview. Nepal, 2014—Bindu (Dalit), aged 27, joined the movement when she was 18.

99. Interview by author. Personal interview. Nepal, 2014—Binita (Chhetri), aged 40, joined the movement when she was 13. Sarada (Magar), aged 38, joined the movement when she was 19.

100. Colekessian, Reintegrating Gender, 11. At https://reliefweb.int/sites/reliefweb.int/files/resources/4DF98D25D63E5852852577CA00683717-Full_Report.pdf.

101. Interview by author. Personal interview. Nepal, 2014—Ramadevi (Chhetri), aged 31, joined the movement when she was 15; Sarada (Magar), aged 38, joined the movement when she was 19.

102. Interview by author. Personal interview. Nepal, 2014—Binita (Chhetri), aged 40, joined the movement when she was 13.

103. Interview by author. Personal interview. Nepal, 2014—Bindu (Dalit), aged 27, joined the movement when she was 18.

4.3 Resettlement and Economic Hardships

Another painful challenge that almost all of the women face is that of meager finances and slim job prospects. Having joined the movement at an early age, most of the ex-combatant women—and often their husbands—lack any higher-level education or vocational training, putting them at a huge disadvantage in the labor market. The party actively encouraged many to drop out of school because they provided "useless bourgeois education."[104]

> *When we were studying in school, we were told to boycott the bourgeois books and curriculum...to free ourselves. We were told that the degree and diplomas of such a failed system didn't mean much. It was just a scrap of paper. So, we fought against it all, leaving school. But now, I need the same books and the same qualification and paper diplomas to get any job.*[105]

> *In terms of formal education, we might be lesser than the average citizen but in terms of awareness, we are far above. It is hard to live in this competitive world. Even if I have the ability, I don't have the papers and documents that say I do.*[106]

> *I am already past 30, so my years of being courageous, strong, and [the] unreluctant optimism that I can do anything, are gone. All those times went away in the war, in the work of the public. It was service for the public, it was not for us, we didn't get anything, we still haven't got anything. Now that I am 31, how to survive is a huge challenge. I don't know if it's the same in other countries but it's such an incomplete phase of movement here (Nepal). We don't have full control of the state and we are not fully in the opposition, either. The luxuries of public service are only enjoyed by a few within the party. Everyone else is under economic hardship. I am in such a condition, so should I continue politics or find a job? I cannot leave my investment of about 20 years and go start a new job, but I cannot even continue with it economically. I don't know how to face this challenge. I can go around all day for party activities but once I come home, I will still need to pay rent. Both of us {she and her husband} are still in the party and there are no salaries, so we're stuck.*[107]

104. Adhikari, *The Bullet and the Ballot Box*, 233.

105. Interview by author. Personal interview. Nepal, 2014—Binita (Chhetri), aged 40, joined the movement when she was 13.

106. Interview by author. Personal interview. Nepal, 2014—Shovana (Dalit), aged 28, joined the movement when she was 14.

107. Interview by author. Personal interview. Nepal, 2014—Shanti (Chettri), aged 32, joined the movement when she was 13.

Many people's lives would have been so much better had they studied. The party destroyed so many lives by telling them not to study. What did they get in the end? [108]

Having fought for the movement for a decade or more, many women were also disinclined to abandon party work to focus on pursuing other economic opportunities. Most still work with the party in some form, doing both paid or unpaid work (20 out of 25 women), and of the 15 who were employed, 11 were employed within the party. Only two of the women's husbands were eligible to, and had chosen to, integrate into the national army, whereas seven of the women's husbands were working abroad as migrant laborers.

I don't want to leave the party, but I am worried about my children's future. But we buried the bodies of so many friends, their blood is still fresh in our hearts. And when I think of those sacrifices, these petty concerns about finances just go away.

Many bemoaned the fact that they had wanted to be reintegrated into the army but because of stringent education qualifications,[109] they could not qualify; many also complained bitterly that the monetary compensation they received from the government for voluntary retirement was too little to be sustaining. Only two women had been able to invest it in starting a business with their family. Most had spent their compensations on resettlement. Unsurprisingly, once the peace process began the number of women in the party declined drastically (by more than 50 percent, according to an interviewee still working within the party).[110] Colessakian, who in her recommendations to the UN asked that to continue the impassioned participation of the women soldiers, the "party should provide packages that don't reaffirm traditional gender identities and make sure that dependents are taken care of such that the women can attend trainings."[111] The party did not provide any such consideration and its perceived inability to fight for better prospects for ex-combatants was seen as the leadership's betrayal of the ex-combatants' sacrifice. Echoing findings by other authors, there is a pervasive feeling among the women that the party leaders had used them to come to power and had now deserted them.[112]

108. Interview by author. Personal interview. Nepal, 2014—Harimaya (Brahmin), aged 26, joined the movement when she was 18.

109. Interview by author. Personal interview. Nepal, 2014—Punam (Magar), aged 31, joined the movement when she was 15; Luniva (Magar), aged 31, joined the movement when she was 13; Anita (Magar), aged 28, joined the movement when she was 16.

110. Interview by author. Personal interview. Nepal, 2014—Binita (Chhetri), aged 40, joined the movement when she was 13.

111. Colekessian, Reintegrating Gender, 6. At https://reliefweb.int/sites/reliefweb.int/files/resources/4DF98D25D63E5852852577CA00683717-Full_Report.pdf.

112. Adhikari, *The Bullet and the Ballot Box*, 233; Interview by author. Personal interview. Nepal, 2014—Bishnumati (Brahmin), aged 25, joined the movement when she was 13; Parbati (Magar) joined the movement when she was 18; Salina (Brahmin), aged 25, joined the movement when she was 13.

Prachanda baba [father] mobilized us and threw us in a ditch. Clearly, no party does anything for us. They shoved us in a corner and moved on. The friends I made during the war help me out but the party itself has betrayed me.[113]

Most people in the cantonments wanted to be reintegrated into the army. They all would have felt more compensated if they had been able to join the NA. With the little monetary compensation, what are we to do? It finishes off in a couple of years, so many of my friends call me and tell me they have nothing to eat. [114]

If I was going to get a position junior to me in the army, what is the point of my experience as a soldier for 10 years and another five years in the cantonment? I had thought I would be a major, but they said I didn't qualify on educational grounds and that I should leave if I wanted to do so. But how would I qualify on education when I left school after tenth grade because of the war? I was a commander, but the party could not harness my skills and experience. [115]

The economic hardship is especially pronounced in part because most ex-combatants did not return to their original communities, choosing to settle in urban centers instead. The motivations for this were to explore better financial opportunities in cities and to avoid the stigma and negative feeling their original communities might have towards them, especially given their intercaste marriages. Colessakian anticipates this need to "relocate outside their communities"[116] in her report. Without their families or communities to rely on for support, it is even harder for ex-combatants to rehabilitate. For the ex-combatants, the extra burden of navigating an unfamiliar space adds to the trouble of finding a job.

For a person from [rural area] Rolpa, moving down to a city is extremely difficult. Everything is expensive and your home is far away.[117]

113. Interview by author. Personal interview. Nepal, 2014—Parbati (Magar) joined the movement when she was 18.

114. Interview by author. Personal interview. Nepal, 2014—Anita (Magar), aged 28, joined the movement when she was 16.

115. Interview by author. Personal interview. Nepal, 2014—Punam (Magar), aged 31, joined the movement when she was 15.

116. Colekessian, Reintegrating Gender, 14. At https://reliefweb.int/sites/reliefweb.int/files/resources/4DF98D25D63E5852852577CA00683717-Full_Report.pdf.

117. Interview by author. Personal interview. Nepal, 2014—Anita (Magar), aged 28, joined the movement when she was 16.

[In our village] we would have had to hear all this gossip about us. All the people we punished from our people's courts, including village alcoholics and others—we would have had to show our faces, too. I would rather not. In Kathmandu, none knows us.[118]

If we had gone home, it would have been hard to gain acceptance. Since we are away, it is easier. When we visit for a few days, people do not have the nerve to say anything bad and normally we don't stay long enough to get to the bad stuff.[119]

My father has never talked to me since I joined. He still doesn't. I often feel like people are watching my life as if it is theater and are just laughing at me. My husband hasn't gone back home either since he left.[120]

Instead of showing my face in villages where I coached people that the Maoists are going to bring liberation, I have chosen to settle elsewhere. They would have told me, "Look at what has happened to you. Where were you yesterday and look where you are today." I would rather break stones [do a menial job] than go home. [121]

Furthermore, there are other severe war-related challenges, both physical and mental, which ex-combatants face: battle injuries and posttraumatic stress disorder affect many still. More than half of the women (14 of 25) have physical injuries and/or other remnants, including bullet fragments lodged in various body parts. One participant recounted how she still wakes up screaming "enemy!" in the middle of the night, and how it is hard for her to walk long distances.[122] Not all are receiving medical treatment, however, either because of financial concerns or because of the stigma associated with illnesses and mental disorders.

If I go to the doctor, they will find too many things wrong with me, so I'd rather just treat the things that noticeably hurt and not know about the others.[123]

118. Interview by author. Personal interview. Nepal, 2014—Monica (Brahmin), aged 32.

119. Interview by author. Personal interview. Nepal, 2014—Harimaya (Brahmin), aged 26, joined the movement when she was 18.

120. Interview by author. Personal interview. Nepal, 2014—Indira (Brahmin), aged 45, joined the movement when she was 20.

121. Interview by author. Personal interview. Nepal, 2014—Luniva (Magar), aged 31, joined the movement when she was 13.

122. Interview by author. Personal interview. Nepal, 2014—Binita (Chhetri), aged 40, joined the movement when she was 13.

123. Interview by author. Personal interview. Nepal, 2014—Shanti (Chettri), aged 32, joined the movement when she was 13; Ramadevi (Chhetri), aged 31, joined the movement when she was 15.

> *I am still wounded. I cannot even walk really, without falling in bed for the next week. There are still bullet scraps in my brain. So, all employment prospects are out of the window.*[124]
>
> *We are like living martyrs. We are dying every second.*[125]

5. Hope for the Future

Despite the dismal picture painted so far, almost all the female ex-combatants agree that gender norms in Nepal significantly changed after the Maoist movement. They remark that the changes were most visible in national politics and the societal perceptions of gender and caste in rural areas.

In national politics, almost directly because of the Maoist revolution, 33 percent[126] of the seats in Nepal's Parliament (formerly the Constituent Assembly) were constitutionally reserved for women—it had been 5 percent before.[127] Although quota systems can be problematic as "decoy" achievements that do not necessarily address the structural roots of inequality, the increase is a step in the right direction. Before the war there were few women in political parties, let alone parliamentary positions. The situation in 2014, by contrast, looks quite different.

> *Now look at us! There are so many women players in the field, so many of them enter right out of the jungle where they served as commanders of the army. We have sisters from Jumla and Dolpa, and sisters who are Dalits and sisters who endured domestic violence who are now writing our constitution. Even if I myself am not in a good place, I see that these are real signs of progress, and it is all because of the war, and I feel very proud and hopeful.*[128]

The women also note radical shifts in the narratives of women and their gender roles, primarily in rural areas. As the interviewee Sabita notes, the presence of women in combat positions and the stories of their heroism "proved to society that women can harness their extreme potential and changed the view that women are weak."[129]

124. Interview by author. Personal interview. Nepal, 2014—Binita (Chhetri), aged 40, joined the movement when she was 13.

125. Interview by author. Personal interview. Nepal, 2014—Sabita (Brahmin), aged 31, joined the movement when she was 14.

126. Manchanda, "Women's Question in Nepal's Transition," 2. At http://wiscomp.org/peaceprints/3-1/3.1.3.pdf.

127. Manchanda, "Women's Question in Nepal's Transition," 2. At http://wiscomp.org/peaceprints/3-1/3.1.3.pdf.

128. Interview by author. Personal interview. Nepal, 2014—Binita (Chhetri), aged 40, joined the movement when she was 13.

129. Interview by author. Personal interview. Nepal, 2014—Sabita (Brahmin), aged 31, joined the movement when she was 14.

Have you heard the old Nepali saying, "If a woman touches a rifle, the rifle loses its power?" Who would say that now? During the war, fighting in the jungles, it was these very villagers who provided us shelter and food, and in our conversations, actions, and convictions, we know they could see the centrality of the women in the movement and the courage we showed every day. I have no doubt that those interactions are what helped change their views.[130]

Outdated stereotypes that reinforce gender roles and "places" of men and women in society are in no way limited to rural areas, but these villages hardest hit by the war are among the ones to have drastically redefined their ideas of gender after the war. The average age of marriage is higher and women are given more room to pursue opportunities for education and work, even if it might mean leaving home and moving to the cities. Societal obstacles to women's agency, such as their family's concerns for their safety or their "purity," and a failure to see the value in women's education and independence, seem less prevalent today. Additionally, intercaste marriages, which were vehemently supported by the Maoists, are much less taboo than before. Such visible markers of changes after the war were cherished by the women I interviewed. Almost all exclaimed their joy and pride at being a part of the movement and they also remain largely hopeful about the future; the trust in party leaders is also generally high.

We have gotten so far from where we started, so I have no reason not to be hopeful. If we continue our battle for equality through this new means of the peace process, we will get to the equitable society we dreamed of. I still believe my leaders are fighting for the same mission. We are all fighting for the same mission, during the war and now. Our ideals have not changed, and our leaders have not deviated in their thinking. It is just the circumstances and the methods of the fight that have changed.[131]

We have just put down our guns; we have not put down our philosophy.[132]

130. Interview by author. Personal interview. Nepal, 2014—Maya (Magar), aged 29.

131. Interview by author. Personal interview. Nepal, 2014—Indu (Dalit), aged 30, joined the movement when she was 16.

132. Interview by author. Personal interview. Nepal, 2014—Binita (Chhetri), aged 40, joined the movement when she was 13.

CONCLUSION

Despite the relatively desperate conditions that many of the women had been living in, all of them share an impressive amount of hope for the future. Framing the peace process as the next step in the revolution, they affirm that the revolution was far from over and that they are still fighting. The confidence they place on the party and their leaders to not betray their ideals is surprising given how little the party seemed to have done to serve them until then. Choosing to look instead at the positive aspects, they celebrate the increased inclusion of women in politics, the fall of the monarchy, the establishment of the constituent assembly, and the declaration of Nepal as a secularist state—all of which they deem the Maoist party to be primarily due credit for.

Since the interviews in 2014, the situation in Nepal has changed significantly. The Maoist Party is now fully entrenched in parliamentary politics, and the ex-combatants and their difficulties have been forgotten in political discussions and news reports. After two Constituent Assembly formations, a new constitution was promulgated in 2015. Nepali society is also slowly moving in a more progressive direction. With increasing numbers of foreign-educated student returnees and a growing entrepreneurial and IT sector, the Nepali middle class is burgeoning. There is increasing restlessness among the youth—traditionally politically mobilized only as foot soldiers and student association workers—for a reflection of their ideals in the leadership of the country. For instance, the recent protests against the new constitution and its inability to provide citizenship transference through maternal lineage have seen the participation of huge swaths of youths.

Thus, even as some pessimism grows in many, including the ex-combatants, the future could be one that not only accommodates these ex-combatants into the Nepali society but also accommodates some of their egalitarian ideals. More research is needed to parse out their role in this larger societal shift, but the changes that these ex-combatants fought for, despite being slow coming, might eventually take place.

> *We do not have time for despair, we should be hopeful! The ten years of war generated great awareness and Maoists brought on big changes. People that were previously silent about their oppression and didn't speak up, know to speak up today. We ended 204 years of dictatorial kingship. We added the participation of women in parliament, brought about religious secularism, and established debates on federalism. But all these changes cannot be absorbed as quickly by society. The society transforms at its own pace.*[133]
>
> *This journey of our revolution is a train. All kinds of people get on this train but the ones to remain to the end are limited. There have been stops and we have fulfilled our partial destinations. We're hoping that the ones that have stuck to the end are going to keep at it and reach the ultimate destination.*[134]

133. Interview by author. Personal interview. Nepal, 2014—Jaya (Brahmin), aged 28, joined the movement when she was 10.

134. Interview by author. Personal interview. Nepal, 2014—Shanti (Chettri), aged 32, joined the movement when she was 13.

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KATRIN LEWIS

The Combined Impact of Civil Conflict and Unregulated Child, Early, and Forced Marriage on Female Secondary Education in South Sudan

INTRODUCTION

South Sudan is in an education crisis. Approximately 2.2 million out of 3.7 million children in the country are out of school, making South Sudan the country with the highest proportion of out-of-school children in the world.[1] There are also significant gender gaps within the South Sudanese education system. Girls are excluded from education from a young age, and in parts of the country "over 75% of primary-aged girls are not in school."[2] Then, as children climb the education ladder, the gap between male and female enrollment progressively widens. There is a particularly dramatic increase in the gender gap when children enter their early teens. Between ages 14 and 15, the enrollment gender gap increases from 10 percent to 22 percent, in favor of boys.[3] The widening of the education gender gap at this time, when students should be on track to enroll in and complete secondary school, suggests that girls at this age experience increased pressure to abandon their education. The practice of child, early, and forced marriage (CEFM) fuels this dramatic gender gap and exacerbates the female dropout rate at this stage. Since the breakout of the South Sudanese Civil War in 2013, families across the country—often the hardest hit by the conflict—have experienced intensified pressure to practice CEFM. In the face of an increased reliance on CEFM, my research has exposed major deficiencies within South Sudanese legal frameworks meant to protect girls from CEFM and to encourage female education. This study employs education and gender reports from NGOs and international organizations, as well as from South Sudanese government policies, on education and gender. I evaluate their intersections and reveal how the challenges that girls face to continue their education past primary levels have been exacerbated during the war, despite the policies that exist to improve the system and to tackle education gender disparities.

1. Stephen Commins and Natasha De Andrade Falcao. "Youth Education in South Sudan: Current Opportunities and Challenges." The World Bank. June 23, 2019. At http://documents.worldbank.org/curated/en/967251562604823894/Youth-Education-in-South-Sudan-Current-Opportunities-and-Challenges.

2. UNESCO Institute for Statistics and South Sudan Ministry of General Education and Instruction. "Global Initiative on Out-of-School Children: South Sudan Country Study." 2018. At https://unesdoc.unesco.org/ark:/48223/pf0000265399.

3. UNICEF. "Situation Assessment of Children and Women in South Sudan 2015." 2015. At https://www.unicef.org/appeals/files/UNICEF_South_Sudan_Situation_Assessment_of_Children_and_Women_2015.pdf.

South Sudan is ranked seventh in the world for its frequency of CEFM; 52 percent of girls in South Sudan are married before their 18th birthday.[4] CEFM in South Sudan involves the "traditional practice of transferring wealth through the payment of dowries," from the groom to the bride's family.[5] CEFM confines a girl's value to the dowry price that her marriage reaps at that young age, not by the skills she may gain from a formal education.[6] It therefore disincentivizes school completion for girls. CEFM is a practice that generates income for a bride's family and is often common in countries that are conflict-ridden or in the midst of a humanitarian crisis.[7] Nine out of the 10 countries with the highest rates of CEFM are "fragile or extremely fragile states," and South Sudan is no exception.[8] Since 2013, the South Sudanese Civil War has triggered mass instability and has exacerbated poverty, forcing over four million South Sudanese, or nearly one third of the population, to flee their homes. In 2017, "over 7.1 million people—half the country's population—[were] facing extreme and deadly hunger."[9] The effects of this widespread poverty and famine are vast and have been felt by both men and women. However, the consequences are often felt in different ways, largely determined by gender and age group. For young girls who are supposed to be on track to enroll in and complete their secondary education, civil conflict and subsequent poverty and instability have derailed these aspirations by amplifying the prevalence of CEFM, which is perceived by many as "a means of escaping poverty" in the midst of conflict and destitution.[10]

CEFM is a clear violation of the country's constitution, which prohibits forced marriage and commits all levels of government to "combat harmful customs and traditions which undermine the dignity and status of women," and of the South Sudan Child Act of 2008, which criminalizes the act of marriage under the age of 18.[11] The laws and regulations against CEFM have fallen woefully short in resisting the building pressures to practice CEFM. Legal loopholes within the constitution that allow "customs and traditions"[12] of the people to be an independent source of legislation make it difficult to police CEFM within tribes and communities.

The war has impacted various subsections of the population differently, and the country will continue to struggle with the economic devastation and instability caused by the war for years to come. But reworking and reinforcing policy gives the country a

4. Girls Not Brides. "Atlas." *Girls Not Brides* (blog). At https://www.girlsnotbrides.org/where-does-it-happen/atlas/.

5. Human Rights Watch. "'This Old Man Can Feed Us, You Will Marry Him' | Child and Forced Marriage in South Sudan." March 7, 2013. At https://www.hrw.org/report/2013/03/07/old-man-can-feed-us-you-will-marry-him/child-and-forced-marriage-south-sudan.the

6. Anitra van der Kraan. "A Girl's Value in Cattle—South Sudan." ReliefWeb. At https://reliefweb.int/report/south-sudan/girl-s-value-cattle.

7. Girls Not Brides, "Conflict and Humanitarian Crises," *Girls Not Brides* (blog). At https://www.girlsnotbrides.org/themes/conflict-humanitarian-crises/

8. Girls Not Brides.d At https://www.girlsnotbrides.org/themes/conflict-humanitarian-crises/.

9. Oxfam International. "Hunger Crisis in South Sudan," February 20, 2020. At https://www.oxfam.org/en/what-we-do/emergencies/hunger-crisis-south-sudan.

10. Social Institutions & Gender Index and, "South Sudan Country Profile." 2019. At https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/SS.pdf.

11. Government of Southern Sudan. "The Transitional Constitution of the Republic of South Sudan, 2011." At https://www.sudantribune.com/IMG/pdf/The_Draft_Transitional_Constitution_of_the_ROSS2-2.pdf; Government of the Republic of South Sudan. "South Sudan Child Act No.10 of 2008." October 13. At http://www.gurtong.net/LinkClick.aspx?fileticket=6zJnrx9nF8s%3D&tabid=342.

12. Government of Southern Sudan. At https://www.sudantribune.com/IMG/pdf/The_Draft_Transitional_Constitution_of_the_ROSS2-2.pdf.

chance to ameliorate some of these discrepancies. Understanding the conflict's effects on some subsections of the population is crucial so that government policies' effectiveness can be maximized and targeted to the specific vulnerabilities that marginalized groups face. South Sudan's policy efforts meant to reduce rates of CEFM and encourage girls' education through secondary school have fallen short, and as a result, new policies need to be informed by their shortcomings. As a gross violation of girls' human rights, a clear line must be established that separates the crime of CEFM from what is considered custom and tradition. Without proper grounds for legal intervention and a commitment by both federal and local authorities to follow through on enforcement, financial desperation will continue to pressure families into using a daughter's marriage as a source of income, and education gender disparities will persist.

BACKGROUND

On July 9, 2011, South Sudan separated from Sudan and became the 54th country in Africa and the youngest country in the world. Six years prior, the government of Sudan and the army of South Sudan—the Sudan People's Liberation Army (SPLA)—signed the Comprehensive Peace Agreement, ending decades of civil war between northern and southern Sudan. In the peaceful years between the 2005 Comprehensive Peace Agreement and formal independence, the South Sudanese education system experienced significant improvements. The 2012 World Bank Education Status Report conveyed strong optimism surrounding the future of education quality and accessibility in South Sudan. In the case of young girls' education, the report stated that the "gender-gap in access to schooling is narrowing," and that "in terms of primary school and literacy rates, [the gender gap] is set to close within a relatively short period of time."[13]

In 2013, however, the South Sudanese Civil War broke out when, over fears of a coup, President Salva Kiir Mayardit removed Vice President Riek Machar from office. Subsequent uproar over Machar's removal was divided along ethnic lines, between supporters of the president versus the former vice president, each a member of the two largest ethnic groups in South Sudan: the Dinka and the Nuer, respectively. Violence escalated rapidly throughout the country between Dinka forces aligned with the president and Nuer forces that supported Machar. The consequences have been devastating for millions of South Sudanese civilians across the entire country, as armed groups had, "targeted civilians along ethnic lines, committed rape and sexual violence, destroyed property and looted villages, and recruited children into their ranks."[14] The war, which finally reached its official end in February 2020, had derailed the once-optimistic projections for improvements to the nations education system, and staggeringly low enrollment and retention rates still plague the country's youth.

Girls in particular face extremely high dropout rates as they climb the education ladder. In 2018, national data collected by the program Girls' Education South Sudan revealed that a total of 156,086 girls were enrolled in their first year of primary school, whereas only 5,272

13. World Bank. "Education in the Republic of South Sudan: Status and Challenges for a New System." 2012. At https://openknowledge.worldbank.org/handle/10986/13136.

14. Council on Foreign Relations. Global Conflict Tracker. "Civil War in South Sudan." At https://cfr.org/interactive/global-conflict-tracker/conflict/civil-war-south-sudan.

girls were enrolled in their final year of secondary school, a difference of 150,814 pupils.[15] Although data suggest that young men also suffer from dropout rates as their level of education increases, a proportionately greater number of women are affected by pressures to discontinue their education. CEFM plays a substantial role in this discrepancy.

CEFM has been a widespread practice in South Sudan, and communities are familiar with the concept of "early marriage as a means of accessing cattle, money, and other gifts by transferring wealth through the traditional payment of dowries from the family of the groom."[16] Historically, fathers are typically the family members who manage the dowry negotiations of their daughter.[17] Within pastoralist areas of South Sudan, dowry payments come in the form of cattle, which are used as currency in marriage transactions. In these pastoralist communities, "cattle are central to the culture and economy and serve as a key indicator of a person's (usually a man's) wealth and social status."[18] The more cattle a man has, the more wives he can acquire. In agricultural areas of the country, cattle is often combined with money or other livestock.[19] A daughter's economic value via her dowry price fuels a "strong desire to have more children, as more daughters promise more wealth."[20] The monetary value of a daughter has also promoted polygamy among older and wealthier men because numerous childbearing wives can, "increase the number of daughters a man has, and thus significantly increase prospects for financial gain."[21]

Girls sold into marriage often lose their personal agency because they become their husbands' property and have to discontinue their education.[22] When girls are seen as property and a source of income, investing in their education, even at a young age, becomes futile. Essentially, when a girl is married off, she becomes the property of her new husband and no longer a resource to her blood relatives, so investing in her makes little sense when she will soon leave her family's care. Furthermore, young brides often fulfill traditional, domestic gender roles at home where there is little benefit of having an education.[23] A South Sudanese official interviewed for the 2011 United States Institute for Peace (USIP) report, *Dowry and Division: Youth and State Building in South Sudan,* describes the process as "slavery" and explains how women "have no voice before [their] husband if he pays dowry for [her]."[24]

15. Girls' Education South Sudan. "Challenges for Women's and Girls' in Education in South Sudan and the Way Forward." September 25, 2019. At http://girlseducationsouthsudan.org/challenges-for-womens-and-girls-in-education-in-south-sudan-and-the-way-forward/.

16. Social Institutions & Gender Index and OECD, "South Sudan Country Profile." At https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/SS.pdf.

17. Marc Sommers and Stephanie Schwartz. "Dowry and Division: Youth and State Building in South Sudan." United States Institute of Peace, 2011. At https://www.usip.org/sites/default/files/resources/SR_295.pdf.

18. Elysia Buchanan, "Born to Be Married: Addressing Early and Forced Marriage in Nyal, South Sudan" OXFAM, February 2019. At https://oxfamilibrary.openrepository.com/bitstream/handle/10546/620620/rr-born-to-be-married-efm-south-sudan-180219-en.pdf.

19. Sommers and Schwartz, "Dowry and Division: Youth and State Building in South Sudan." At https://www.usip.org/sites/default/files/resources/SR_295.pdf.

20. Sommers and Schwartz. At https://www.usip.org/sites/default/files/resources/SR_295.pdf.

21. Sommers and Schwartz. At https://www.usip.org/sites/default/files/resources/SR_295.pdf.

22. Sommers and Schwartz. At https://www.usip.org/sites/default/files/resources/SR_295.pdf.

23. Buchanan, "Born to Be Married: Addressing Early and Forced Marriage in Nyal, South Sudan." At https://oxfamilibrary.openrepository.com/bitstream/handle/10546/620620/rr-born-to-be-married-efm-south-sudan-180219-en.pdf.

24. Sommers and Schwartz, "Dowry and Division: Youth and State Building in South Sudan." At https://www.usip.org/sites/default/files/resources/SR_295.pdf.

Poverty was extreme in the years leading up to South Sudanese independence; over half of the South Sudanese population lived below the international poverty line.[25] The main drivers of this poverty were attributed to "conflict, displacement, depletion of assets, and limited access to social services."[26] In 2008, an estimated 40 percent of girls were married before their 18th birthday, and 11 percent were married before they turned 15.[27] In the 2011 USIP report, the high level of parents relying on their daughter's dowry payments was attributed to the "postwar environment of reduced capital and limited opportunities for economic advancement."[28]

Since 2013, the war has intensified and resurfaced the factors, such as reduced capital and limited opportunities for economic advancement, which are responsible for perpetuating girls' dowry value by fueling "high levels of instability, economic decline, erosion of services, and malnutrition."[29] Today, 52 percent of girls in South Sudan are married before their 18th birthday.[30] This exceptionally high rate of CEFM has greatly limited girls' opportunity to continue their education through secondary school.

CURRENT LEGISLATION RELATED TO CHILD, EARLY, AND FORCED MARRIAGE

The government of South Sudan has passed legislation that is meant to protect girls from CEFM. But there is a weak legal framework surrounding the practice. Limitations to the legislation and deficient enforcement leave most cases untried. Article 15 of South Sudan's Constitution, "Right to Found a Family" prohibits forced marriage, asserting that "no marriage shall be entered into without the free and full consent of the man and woman intending to marry."[31] Under Article 16, "Rights of Women," all levels of government are expected to "enact laws to combat harmful customs and traditions which undermine the dignity and status of women."[32] Furthermore, South Sudan's 2008 Child Act states that a "female child has a right to be protected from…early and forced marriage" and the minimum age for marriage is established as 18, where violators could face up to seven years in prison for violations.[33] Nonetheless, there had been little implementation of the Child Act, and in 2013, Minister of Gender and Child Affairs Agnes Kwaje Lasuba admitted that it is not enforced.[34]

25. International Fund for Agricultural Development. "Enabling Poor Rural People to Overcome Poverty in South Sudan." January 2013. At https://www.ifad.org/documents/38714170/39972426/south_sudan.pdf/d247b0b7-fc4f-4e2c-a636-8ac91e66bfbb.

26. International Fund for Agricultural Development. At https://www.ifad.org/documents/38714170/39972426/south_sudan.pdf/d247b0b7-fc4f-4e2c-a636-8ac91e66bfbb.

27. Sommers and Schwartz, "Dowry and Division: Youth and State Building in South Sudan." At https://www.usip.org/sites/default/files/resources/SR_295.pdf.

28. Sommers and Schwartz. At https://www.usip.org/sites/default/files/resources/SR_295.pdf.

29. Girls Not Brides. "South Sudan—Child Marriage Around the World. Girls Not Brides," *Girls Not Brides* (blog). At https://www.girlsnotbrides.org/child-marriage/south-sudan/.

30. Girls Not Brides. "Atlas." At https://www.girlsnotbrides.org/where-does-it-happen/atlas/.

31. Government of Southern Sudan. "The Transitional Constitution of the Republic of South Sudan, 2011." At https://www.sudantribune.com/IMG/pdf/The_Draft_Transitional_Constitution_of_the_ROSS2-2.pdf.

32. Government of Southern Sudan. At https://www.sudantribune.com/IMG/pdf/The_Draft_Transitional_Constitution_of_the_ROSS2-2.pdf.

33. Government of the Republic of South Sudan. "South Sudan Child Act No.10 of 2008." At http://www.gurtong.net/LinkClick.aspx?fileticket=6zJnrx9nF8s%3D&tabid=342.

34. Charlton Doki. "Marrying Off South Sudan's Girls for Cows," Inter Press Service. May 24, 2014. At http://www.ipsnews.net/2013/05/marrying-off-south-sudans-girls-for-cows/.

In addition to the lack of enforcement, Article 5 of the Constitution, "Sources of Legislation," recognizes the "customs and traditions of the people" as legitimate legislation for South Sudanese ethnic groups.[35] Child marriages are considered a part of tradition by many communities.[36] Since no "minimum age for marriage under the customary laws of the various ethnic groups in South Sudan" exists, marrying off girls once they reach puberty is a common custom among these groups and is difficult to police under existing legislation.[37] A South Sudanese government official explained the challenges that arise when trying to prevent early marriage by describing it as a "traditional act" and "if you try to stop it, people will accuse you of wanting to change their culture."[38]

In the 2015 UNICEF South Sudan Situation Assessment of Children and Women, UNICEF criticized the "significant gaps in the Transitional Constitution, Penal Code, and Child Act," and the fact that "no specialized safe spaces or other safety options are available to protect victims [of child marriage]."[39] The loopholes in the current constitutional legislation and the lack of enforcement of the 2008 Child Act are major violations of South Sudanese girls' human rights that severely impact the lives of these girls, including their ability to continue their education.

CIVIL CONFLICT'S IMPACT ON THE VALUE OF A GIRL

Civil conflict between the two predominant ethnic tribes in South Sudan, the Dinka and the Nuer, devastated the progress towards development that the new country had set out to make in 2012. In 2016, three years after the war erupted, the nation's poverty headcount had risen 31 percentage points, from 51 to 82 percent, meaning that "the vast majority of the population was living under the international poverty line of $1.90 (purchasing power parity 2011) per day."[40] Part of this jump in the poverty rate can be attributed to the hyperinflation that the country experienced, but civil conflict has played an unparalleled role in devastating the livelihoods of South Sudanese citizens.

For young girls who are supposed to be on track to enroll in and complete their secondary education, extreme poverty has derailed these aspirations by exacerbating CEFM for the income that a young bride can bring to her family. The impact of the war on the people of South Sudan is vital to understanding the 12 percent jump in girls married before their 18th birthday over the past decade.[41] Interviews with the nonprofit group Justice Africa,

35. Tahirih Justice Center. "Forced Marriage Overseas: South Sudan." At https://preventforcedmarriage.org/forced-marriage-overseas-south-sudan/.

36. Doki, "Marrying Off South Sudan's Girls for Cows." At http://www.ipsnews.net/2013/05/marrying-off-south-sudans-girls-for-cows/.

37. Human Rights Watch, " 'This Old Man Can Feed Us, You Will Marry Him.' Child and Forced Marriage in South Sudan." https://www.hrw.org/report/2013/03/07/old-man-can-feed-us-you-will-marry-him/child-and-forced-marriage-south-sudan",

38. Human Rights Watch, "'This Old Man Can Feed Us, You Will Marry Him.' Child and Forced Marriage in South Sudan." https://www.hrw.org/report/2013/03/07/old-man-can-feed-us-you-will-marry-him/child-and-forced-marriage-south-sudan",

39. UNICEF. "Situation Assessment of Children and Women in South Sudan 2015." At https://www.unicef.org/appeals/files/UNICEF_South_Sudan_Situation_Assessment_of_Children_and_Women_2015.pdf.

40. Utz Pape and Arden Finn. "How Conflict and Economic Crises Exacerbate Poverty in South Sudan," World Bank Blogs. April 23, 2019. At https://blogs.worldbank.org/africacan/how-conflict-and-economic-crises-exacerbate-poverty-in-south-sudan.

41. Girls Not Brides. "South Sudan—Child Marriage Around the World. Girls Not Brides." At https://www.girlsnotbrides.org/child-marriage/south-sudan/.

in partnership with the South Sudan Women Lawyers Association and the Community Empowerment for Progress Organization, shed light on the fact that "economic downturns connected to the current war have boosted an already dowry-dependent local economy in which parents view their daughters as their only source of wealth."[42]

The age at which girls become eligible for marriage is not uniformly defined and understood throughout the country. In many communities, "girls are considered marriageable as soon as they hit puberty."[43] This phenomenon particularly impacts female secondary school education because during the transition period from primary to secondary school, girls typically begin to menstruate. The widespread belief among communities in South Sudan that "once a girl reaches puberty she is already a woman," makes girls of this age eligible for being married off or vulnerable to becoming pregnant out of wedlock, the latter of which greatly diminishes her family's ability to profit from her marriage.[44] At around ages 13 and 14, students in South Sudan should be on track to graduate from primary school and begin their secondary school education, the same age at which UNICEF identified a "dramatic increase in the gender gap when children enter their teens."[45] As a result, child marriages have a particularly heightened impact on female secondary school enrollment and completion due to the coincidence of the age most girls enter and complete their secondary education and when they become eligible for marriage in the eyes of their families and communities.

The practice of fathers marrying off their daughters for income is frequently used as a "survival tactic," and the war's exacerbation of poverty, displacement, and desperation for food has put people into situations in which they must do what they have to do to survive.[46] The head of the government's humanitarian branch in Rumbek, the former capital of the country, explains that because "people are dying from hunger," "if you have a mature daughter you give her up to let the rest survive."[47] As people run out of resources, families that previously may not have considered early and forced marriage for their daughters lack options to ensure their families' survival. When families profit from their daughter's marriage for survival, investing in education and fighting for girls to complete secondary school comes into conflict with CEFM, because girls in South Sudan who marry young often have no choice but to "leave school, forgoing their education."[48]

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42. Alicia Elaine Luedke and Hannah Faye Logan. "'That Thing of Human Rights': Discourse, Emergency Assistance, and Sexual Violence in South Sudan's Current Civil War," *Disasters* 42, no. S1 (2018): S99–118. At https://doi.org/10.1111/disa.12273.

43. Social Institutions & Gender Index and OECD. "South Sudan Country Profile." At https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/SS.pdf.

44. Doki, "Marrying Off South Sudan's Girls for Cows." At http://www.ipsnews.net/2013/05/marrying-off-south-sudans-girls-for-cows/.

45. Commins and De Andrade Falcao, "Youth Education in South Sudan." UNICEF. "Situation Assessment of Children and Women in South Sudan 2015." At http://documents.worldbank.org/curated/en/967251562604823894/Youth-Education-in-South-Sudan-Current-Opportunities-and-Challenges.

46. Girls Not Brides. "Atlas." At https://www.girlsnotbrides.org/where-does-it-happen/atlas/.

47. Sam Mednick. "Child Marriage Increasing in Civil War-Torn South Sudan," AP NEWS. August 29, 2017. At https://apnews.com/e33c6fb8e48c4b72ab4ba65d5e678de2.

48. UNICEF. "Situation Assessment of Children and Women in South Sudan 2015." At http://documents.worldbank.org/curated/en/967251562604823894/Youth-Education-in-South-Sudan-Current-Opportunities-and-Challenges.

Children who have been displaced by the conflict also often have limited access to schools. In March 2017, Oxfam, a major nonprofit focusing on alleviating global poverty, published the report, "South Sudan Gender Analysis," for which nearly 500 interviews were conducted with Internally Displaced Persons (IDPs) across the country who had fled from their homes and were residing in either Protection of Civilians sites, where "civilians seek protection and refuge at existing United Nations bases when fighting starts," or other host communities within South Sudan.[49] In the surveys and interviews conducted by Oxfam, "85 percent of communities said that there was a primary school available," but the lack of secondary schools "prevented the transition of boys and girls to secondary education."[50]

This lack of ubiquitous secondary schools uniquely impacts secondary school girls whose "families may be reluctant for girls to walk long distances to school because of security concerns," and "some parents do not send girls to school for fear they will get pregnant," because when girls begin menstruation they are at risk of getting pregnant.[51] The distances that they have to travel to attend school and the fact that they mingle in coed education settings fuels fear that they will get pregnant out of wedlock, so "some parents do not send girls to school for fear they will get pregnant, as pregnancy and motherhood reduce bride price."[52] The prioritization of receiving a high dowry payment therefore acts as a deterrent from allowing girls to attend school to minimize the risk of an unwanted pregnancy.

Oxfam's report also includes a survey in which respondents were asked about their educational attainment. Of the 490 respondents, 64 percent of females had never been to school whereas 38 percent of males had never been to school.[53] Although the gap between the numbers of boys versus girls who had attended school is remarkable, the survey went one step farther in exploring the factors that kept boys versus girls out of school by asking respondents for the first and second reason for girls not attending school.

The survey found that "of the 490 respondents, 82 percent identified early marriage as the main reason for girls not attending school."[54] The survey results in Figure 1 also depict the five following most common reasons stated for why girls do not attend school. These findings indicate that early marriage is "by far the biggest single factor preventing [girls'] access to school" in the communities surveyed and interviewed by Oxfam for the report.[55]

49. Damian Lily. "Protection of Civilians Sites: A New Type of Displacement Settlement?" Humanitarian Practice Network. September 2014. At https://odihpn.org/magazine/protection-of-civilians-sites-a-new-type-of-displacement-settlement/.

50. OXFAM, "South Sudan Gender Analysis: A Snapshot Situation Analysis of the Differential Impact of the Humanitarian Crisis on Women, Girls, Men and Boys in South Sudan." March 2017. At https://reliefweb.int/sites/reliefweb.int/files/resources/rr-south-sudan-gender-analysis-060317-en.pdf.

51. UNICEF. "Situation Assessment of Children and Women in South Sudan 2015." At http://documents.worldbank.org/curated/en/967251562604823894/Youth-Education-in-South-Sudan-Current-Opportunities-and-Challenges.

52. UNICEF. At http://documents.worldbank.org/curated/en/967251562604823894/Youth-Education-in-South-Sudan-Current-Opportunities-and-Challenges.

53. OXFAM. "South Sudan Gender Analysis: A Snapshot Situation Analysis of the Differential Impact of the Humanitarian Crisis on Women, Girls, Men and Boys in South Sudan." At https://reliefweb.int/sites/reliefweb.int/files/resources/rr-south-sudan-gender-analysis-060317-en.pdf.

54. OXFAM. At https://reliefweb.int/sites/reliefweb.int/files/resources/rr-south-sudan-gender-analysis-060317-en.pdf.

55. OXFAM. At https://reliefweb.int/sites/reliefweb.int/files/resources/rr-south-sudan-gender-analysis-060317-en.pdf.

Further analysis from qualitative interviews with respondents also shed light on the fact that "marrying off underage girls was becoming more common as a coping mechanism in the current crisis."[56] In a focus group discussion led by an OXFAM research team in Akobo County, South Sudan, a man explained that "for girls, marriage comes before school, so many drop out for marriage as early as 12 or 13."[57] This is the age at which many girls would otherwise be finishing up primary school and preparing to transition to secondary school.

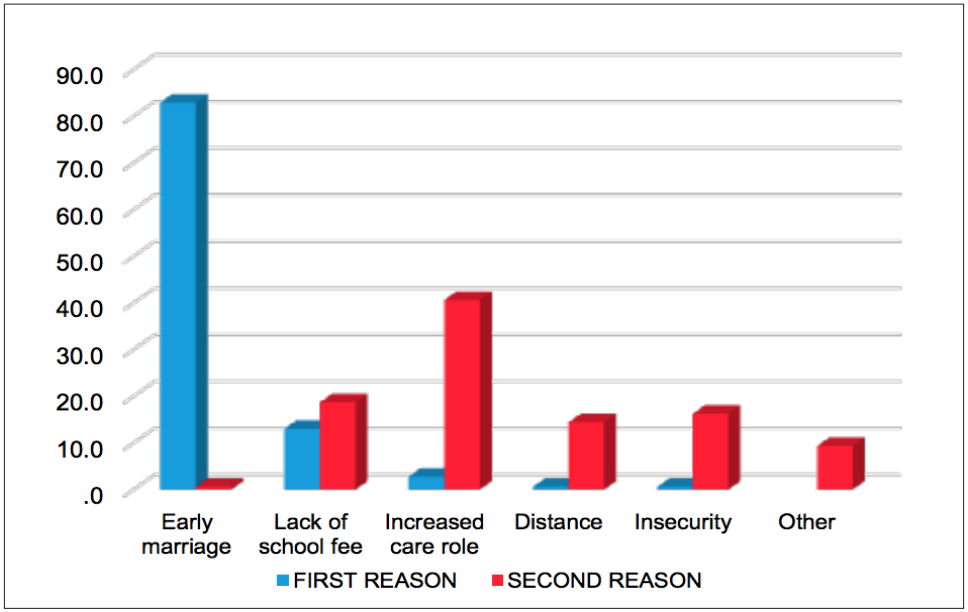

FIGURE 1: Reasons for Girls Not Attending School

When interviewees were asked about the reasons for keeping boys out of school, 49 percent of respondents attributed it to an inability to pay school fees and 29 percent of respondents cited domestic work as their primary deterrent from education.[58] Money is clearly the major barrier for South Sudanese children in these communities to accessing an education, and with the increase in poverty and financial instability because of the war, this has likely been exacerbated. Boys may struggle to come up with fees, but because girls' marriages can be high-value transactions, girls' value in society is not contingent on their education but on the fact that "they are perceived as investments" for the purpose of marriage.[59]

Without proper grounds for legal intervention and a commitment by both federal and local authorities to follow through on enforcement, financial desperation will continue to

56. OXFAM. At https://reliefweb.int/sites/reliefweb.int/files/resources/rr-south-sudan-gender-analysis-060317-en.pdf.
57. OXFAM. At https://reliefweb.int/sites/reliefweb.int/files/resources/rr-south-sudan-gender-analysis-060317-en.pdf.
58. OXFAM. At https://reliefweb.int/sites/reliefweb.int/files/resources/rr-south-sudan-gender-analysis-060317-en.pdf.
59. OXFAM. At https://reliefweb.int/sites/reliefweb.int/files/resources/rr-south-sudan-gender-analysis-060317-en.pdf.

pressure families into using a daughter's marriage for a source of income. As the rates of CEFM are rising and pressuring girls to forgo their education, there has been a lack of enforcement at the local level. Weak legal frameworks and a general resistance of authorities to get involved in personal family matters allows for this practice to continue without consequences. Customary law is an integral part of the South Sudanese legal system, but there is a substantial disconnect between the government's laws on child marriage versus what is allowed within customary courts.

Customary courts in South Sudan are presided over by chiefs who are typically older men and whose decisions "frequently reflect deeply ingrained and patriarchal views." The courts do not enforce the 2008 Child Act but agree that "girls are considered ready for marriage as soon as they reach puberty—at around 12—rather than 18."[60] Under the South Sudanese Constitution, the government has an obligation to "enact laws to combat harmful customs and traditions which undermine the dignity and status of women." [61] CEFM and the belief that girls are eligible for marriage once they reach puberty falls under this commitment and therefore must be made explicitly separate from customary law.

NYAL CASE STUDY

The general lack of widely and consistently gathered data on the prevalence of CEFM makes case studies important to understanding how the practice has evolved over the past seven years of civil conflict within South Sudan, and how it has impacted female secondary school enrollment and completion. One such case study was published by OXFAM in February 2019, titled, "Born to be Married: Addressing Early and Forced Marriage in Nyal, South Sudan."

Nyal is a town in Payinjiar County, located in north-central South Sudan. Since 2013, the town has bordered "areas which have seen some of the most intense clashes" and has accommodated thousands of Internally Displaced Persons.[62] Oxfam's research found that the rate of CEFM in Nyal is "among some of the highest rates in the world," where an estimated "71% of girls are married before the age of 18."[63] This figure is nearly 20 percentage points higher than the rest of the country.

Extensive interviews and surveys of people residing in Nyal exposed a close relationship between conflict, CEFM, and female education. After interviews and focus group discussions were conducted, the report concluded that "conflict-fueled poverty and food insecurity are now considered to be the most common reasons for families to marry off their young daughters," and CEFM was cited as "one of the primary reasons why 76% of South Sudanese girls are out of school," not just in Nyal but throughout the country.[64]

60. Human Rights Watch, " 'This Old Man Can Feed Us, You Will Marry Him.' Child and Forced Marriage in South Sudan." https://www.hrw.org/report/2013/03/07/old-man-can-feed-us-you-will-marry-him/child-and-forced-marriage-south-sudan",

61. Government of Southern Sudan. "The Transitional Constitution of the Republic of South Sudan, 2011." At https://www.sudantribune.com/IMG/pdf/The_Draft_Transitional_Constitution_of_the_ROSS2-2.pdf.

62. Buchanan, "Born to Be Married: Addressing Early and Forced Marriage in Nyal, South Sudan." At https://oxfamilibrary.openrepository.com/bitstream/handle/10546/620620/rr-born-to-be-married-efm-south-sudan-180219-en.pdf.

63. Buchanan. At https://oxfamilibrary.openrepository.com/bitstream/handle/10546/620620/rr-born-to-be-married-efm-south-sudan-180219-en.pdf.

64. Buchanan. At https://oxfamilibrary.openrepository.com/bitstream/handle/10546/620620/rr-born-to-be-married-efm-south-sudan-180219-en.pdf.

The lack of legal enforcement surrounding CEFM is closely tied to the compromised role of the national government in tackling these issues while immersed in civil war. When a national humanitarian organization in Nyal attempted to report a case of a 14-year-old girl being forced to marry a man over 10 years her elder as his second wife, local authorities considered it a "family matter" and did not get involved.[65] Furthermore, due to the war, "raising cases like this to the national or state level was not possible," and a staff member at the humanitarian organization explained that "it was too dangerous and difficult to travel, and—even still—he considered many of the systems involved to be dysfunctional."[66]

The prevalence of CEFM and lack of enforcement against it in Nyal greatly conflicts with the aspirations of young girls living in the town. In fact, in the interviews conducted with adolescent girls, "all … expressed a strong desire to continue with their education."[67] But this desire to continue with their studies has been largely overshadowed by the expectation for them to marry and bring income to their impoverished families. Girls' access to secondary school is particularly challenging because while there are primary schools in Nyal, there is "no access to secondary education."[68] This lack of infrastructure past the primary levels forces children to travel much greater distances to school to continue their studies, which fuels security and pregnancy concerns for girls.

Though "culture and traditions continue to perpetuate CEFM," these perpetuations seem to be aggressively amplified by poverty, stemming from civil conflict.[69] The report found that "girls displaced by conflict were considered at greater risk of being married," as CEFM can be a "coping mechanism amid rising poverty and food insecurity" and a "route out of poverty" for these girls and their families who are in particularly vulnerable and unstable conditions.[70] This case study of Nyal speaks to how sustained conflict has reverberated through society, amplifying the barriers that girls—an already a vulnerable group notwithstanding the conflict—face in continuing on to secondary school and not falling victim to CEFM.

CONCLUSION

To effectively tackle this issue, there must be contextualized policies that are informed by the experiences of South Sudanese girls throughout the Civil War, namely, their access to education past the primary levels.

The practice of CEFM has increased in South Sudan since the outbreak of the South Sudanese Civil War. CEFM is a human rights violation that "threatens the lives and futures

65. Buchanan. At https://oxfamilibrary.openrepository.com/bitstream/handle/10546/620620/rr-born-to-be-married-efm-south-sudan-180219-en.pdf.
66. Buchanan. At https://oxfamilibrary.openrepository.com/bitstream/handle/10546/620620/rr-born-to-be-married-efm-south-sudan-180219-en.pdf.
67. Buchanan. At https://oxfamilibrary.openrepository.com/bitstream/handle/10546/620620/rr-born-to-be-married-efm-south-sudan-180219-en.pdf.
68. Buchanan. At https://oxfamilibrary.openrepository.com/bitstream/handle/10546/620620/rr-born-to-be-married-efm-south-sudan-180219-en.pdf.
69. Buchanan. At https://oxfamilibrary.openrepository.com/bitstream/handle/10546/620620/rr-born-to-be-married-efm-south-sudan-180219-en.pdf.
70. Buchanan. At https://oxfamilibrary.openrepository.com/bitstream/handle/10546/620620/rr-born-to-be-married-efm-south-sudan-180219-en.pdf.

of girls and women…robbing them of their agency to make decisions about their lives."[71] The policies and practices of the South Sudanese government have fallen woefully short of combating CEFM, because extreme poverty has "reinforced the material value of girls during the current crisis."[72] By denying girls the opportunity to continue their education, the notion of female inferiority and subordination remains entrenched in communities where girls are seen as a source of income. This lack of agency and marketable skills perpetuates the deeply engrained gender gap that makes South Sudan so unequal between men and women.

To effectively combat CEFM in South Sudan, the South Sudanese legal framework surrounding CEFM must be strengthened. Under the South Sudanese Constitution, girls have the right to an education, the right to only enter a marriage with free and full consent, and are promised government support in fighting "harmful customs and traditions which undermine the dignity and status of women," of which CEFM is a part.[73] The country's 2008 Child Act, which makes 18 the minimum age for marriage, should be enforced with no exceptions. It must be made explicitly clear that CEFM falls out of the bounds of the "customs and traditions" of the people.

Ultimately, for these changes to be successful there must be a government commitment to enforcement. Efforts will likely have to come from the federal government first, with a commitment to educate and monitor customary courts. It is crucial that local authorities and leaders are trained on how to deal with situations of CEFM so that cases like the one documented in Nyal are not overlooked and that victims or witnesses can report cases, knowing that action will be taken. Policies on CEFM established at the national level will be successful only if they involve local leaders so that enforcement efforts can be led from within communities.

The CEFM situation in South Sudan is dire. The young country's failure to maintain the peace has taken a remarkable toll on its ability to follow through on policies that are crucial to addressing CEFM and promoting girls' education. Today, nearly nine years after independence, girls continue to face unique challenges that perpetuate their higher dropout rates when compared to boys. For the government to take forceful action, it must be made explicitly clear to customary courts that CEFM falls outside the bounds of custom and tradition, so that it is not a family or tribal matter, but instead a violation of girls' human rights that the Government of South Sudan has an obligation to protect.

71. OHCHR, "Child, Early and Forced Marriage, Including in Humanitarian Settings." At https://www.ohchr.org/en/issues/women/wrgs/pages/childmarriage.aspx.

72. OXFAM, "South Sudan Gender Analysis: A Snapshot Situation Analysis of the Differential Impact of the Humanitarian Crisis on Women, Girls, Men and Boys in South Sudan." At https://reliefweb.int/sites/reliefweb.int/files/resources/rr-south-sudan-gender-analysis-060317-en.pdf.

73. Government of Southern Sudan, "The Transitional Constitution of the Republic of South Sudan, 2011." At https://www.sudantribune.com/IMG/pdf/The_Draft_Transitional_Constitution_of_the_ROSS2-2.pdf.

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MIKAYLAH LADUE

GENDERED STRUCTURES OF LABOR

A Primer on the Positionality of Women in Mexican Drug Trafficking Organizations

INTRODUCTION

A dearth of information surrounds the gendered structures of labor that compose drug trafficking organizations in Mexico. Drug trafficking is a global market of which Latin America is a key geographic area, and participation in the illicit trade fuels the informal economies that underlie the region. Due to the economic and social prominence of drug trafficking on an international and national scale, these organizations demand thorough attention and comprehension. This paper provides a background on the positionality of women in drug trafficking organizations; operating as a think piece, however, this paper is not an exhaustive consideration of the issue but rather a brief overview that furnishes a foundation for future research.[1]

DRUG TRAFFICKING AND DRUG POLICIES: INTERNATIONAL SPHERE

The United Nations Office on Drugs and Crime (UNODC) defines drug trafficking as "a global illicit trade involving the cultivation, manufacture, distribution and sale of substances which are subject to drug prohibition laws."[2] Internationally, three drug control treaties exist: the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol, the Convention on Psychotropic Substances of 1971, and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. These treaties work together to address general drug trafficking provisions to ensure drugs are available for medical and scientific purposes but are not subsequently rechanneled into illicit markets; to prevent and combat drug trafficking; and to improve the international framework that administrates drug trafficking and related crimes.[3] Two bodies, the Commission on Narcotic Drugs and the International Narcotics Control Board, assist in the functioning of these treaties. In 1946, the United Nations Economic and Social Council established the Commission on Narcotic Drugs, which now aids in the application of the aforesaid treaties

1. This research paper includes written material submitted by the author for the course Social Justice and the Latin American City (term: Fall 2018, professor: Dr. Ben A. Gerlofs), and for the course Gender and Public Health: Disparities, Pathways, and Policies (term: Spring 2019, professor: Dr. Jennifer Hirsch).

2. United Nations Office on Drugs and Crime, "Drug Trafficking," n.d., https://www.unodc.org/unodc/en/drug-trafficking/index.html.

3. United Nations Office on Drugs and Crime, "Legal Framework for Drug Trafficking," n.d. https://www.unodc.org/unodc/en/drug-trafficking/legal-framework.html.

and operates as the governing body for the UNODC.[4] The International Narcotics Control Board, established in 1968, is an "independent and quasi-judicial monitoring body for the implementation of the United Nations international drug control conventions."[5]

Drug trafficking is deeply embedded in the international black market and is often linked with various forms of illicit criminal activity, most notably money laundering. Such wide-ranging influence impacts multiple sectors of life: the UNODC notes that "drug trafficking and related organized crime threaten security and public health in affected communities as well as undermine governance and the rule of law."[6] The UNODC launched the CRIMJUST Project as a result of the coordination and expanse of drug trafficking, a reality that can be difficult to combat due to the influence of the illicit trade in multiple criminal spheres. CRIMJUST aims to provide a fortification of criminal and judicial efforts, in part through a reinforced transnational approach. Counter-narcotic strategies of CRIMJUST incorporate gendered considerations, with the organization writing that they "[ensure] that participating states and relevant authorities can access the strategic knowledge, resources and capacities necessary to address unique challenges faced by women, at once victims and participants of the illicit drug trade."[7]

DRUG TRAFFICKING AND INFORMAL ECONOMIES: LATIN AMERICA

Latin America is heavily enmeshed in global illicit trafficking networks, a relationship that has produced immeasurable and persistent violence. The harrowing realities that result from drug trafficking and related crime in the region are elucidated in an Open Society Foundations report:

> "The drug kingpins and organized crime bosses have extended their tentacles so deeply into civil society and the military that they are imperiling the fundamental principles of democracy, particularly in Mexico but also in Central America. They are buying politicians, judges, police commanders and generals. They are silencing the media. They are killing those who won't be intimated or purchased."[8]

As demonstrated above, human rights violations and corruption abound in the region. The preponderance of this violence is connected to the illicit trade and endures because Latin America "is a crucial geographic zone for drug production and trafficking."[9] The region has been ravaged and decimated by the detrimental impacts of the drug trade; homicide rates have increased tremendously throughout the region, making Latin American cities some of the most violent and dangerous locations in the world. Questions of "narco-terrorism, failed

4. United Nations Office on Drugs and Crime, "United Nations Commission on Narcotic Drugs," n.d. https://www.unodc.org/unodc/en/commissions/CND/index.html.

5. International Narcotics Control Board, "Mandate and Functions," n.d. https://www.incb.org/incb/en/about/mandate-functions.html.

6. United Nations Office on Drugs and Crime, "CRIMJUST Project Details," n.d. https://www.unodc.org/unodc/en/drug-trafficking/crimjust/project_details.html.

7. United Nations Office on Drugs and Crime, "Objectives," n.d. https://www.unodc.org/unodc/en/drug-trafficking/crimjust/objectives.html.

8. "Coverage of Drug Trafficking and Organized Crime in Latin America and the Caribbean" (Open Society Foundations, May 2011). https://www.opensocietyfoundations.org/publications/coverage-drug-trafficking-and-organized-crime-latin-america-and-caribbean.

9. Drug Policy Alliance, "The International Drug War," *We Are the Drug Policy Alliance*, n.d. https://www.drugpolicy.org/issues/international-drug-war.

states, and security" are frequently linked with these nations such that politics and current events are necessarily and irrevocably connected to considerations of the illicit market.[10]

At present, Colombia and Mexico are key actors in the illicit drug trade, but there have been four primary phases of development in the region.[11] These different phases include the Mexican control of opium and marijuana and the Peruvian control of cocaine in the late 19th century to 1945; the institutionalization of drug trafficking from 1945 through the 1960s; the rise of Colombia as a primary trafficking nation from the 1960s to 1985; and the increasing Mexican control of drug trafficking from 1984 to the present. Throughout time, and particularly in the 1980s to 1990s, the region has experienced what is known as the balloon effect, in which the limitation and restriction of drug production in one nation results in the increase of drug production in another nation.[12]

Drug trafficking in Latin America historically has been connected to drug policies originating in the United States. Since the inception of the war on drugs, a largely punitive antidrug policy regime initiated under then US President Richard Nixon in 1971, drug trafficking and drug-related violence have gone unabated. Countries throughout Latin America, in response to the ineffectiveness of the war on drugs, have endeavored to "explore less punitive measures that would reduce the economic, social, and human costs" of current drug policies, but the "eradication and interdiction policies" of the US have prevailed as "[promoting] lucrative illicit markets dominated by organized crime."[13] The US has thus had, and continues to have, a significant, wide-reaching impact throughout the region, and its policies have caused extensive destabilization: in Colombia, armed conflict was heightened through fumigation programs, and in Mexico, a brutal and uncontrolled drug war was initiated through the support of US funding.[14]

Mexico, in addition to being heavily influenced by the US, is impacted by the international regime. In 2008, Mexico passed a constitutional reform that endeavored to mitigate severe, rampant corruption in criminal justice processes throughout the nation. Importantly, CRIMJUST facilitates the long-term restructuring of the Mexican criminal justice system, primarily through use of "indicadores y herramientas de diagnóstico," diagnostic indicators and tools (author translation).[15] A 2018 World Justice Project report indicated that the implementation of the constitutional reform was promising, and that it has beenlargely efficacious thus far.[16]

10. Steven Hyland. 2011. "The Shifting Terrain of Latin American Drug Trafficking," *Origins: Current Events in Historical Perspectives* 4, no. 12 (September). https://origins.osu.edu/article/shifting-terrain-latin-american-drug-trafficking.

11. Ibid.

12. Drug Policy Alliance, "The International Drug War."

13. Ibid.

14. David Huey, "The US War on Drugs and Its Legacy in Latin America," *The Guardian*, February 3, 2014. https://www.theguardian.com/global-development-professionals-network/2014/feb/03/us-war-on-drugs-impact-in-latin-american.

15. United Nations Office on Drugs and Crime, "Facilitación Del Proceso de Consolidación Del Sistema de Justicia Penal En México," *Oficina de Enlace y Partenariado En México* (blog), n.d. https://www.unodc.org/mexicoandcentralamerica/es/sectors/Facilitacion_consolidacion_sistema_penal_Mexico.html.

16. "Mexico's New Criminal Justice System: Substantial Progress and Persistent Challenges" (World Justice Project, June 2018), https://worldjusticeproject.mx/la-nueva-justicia-penal-en-mexico/.

OPPRESSIVE AND ECONOMIC REALITIES IN MEXICO

The informal economy, which loosely can be understood as comprising unregulated economic activities, has a significant global, regional, and national presence. Informal economies often result from "excessive regulation, poor institutions, and government coercion" such that "[informality becomes] a survival strategy [stemming] from economic inefficiencies."[17] One report establishes that research generally concludes that, "informality reduces the overall productivity and therefore the potential growth of economies."[18] In Latin America, informal economies are largely a direct product of urban transformation, and neoliberal restructuring policies have produced poverty and violence.[19] Research often conflates informal economies with illicit economies. The latter is composed of illicit activities; the former is composed of licit, unregulated activities. It is important to note the presence of informal economies because they have significant impact on the avenues through which citizens can interact with economic activity. In discussing the prevalence of drug-related violence in Mexico, it must first be understood how economic and social relations structure the nation, and how the illicit trade either coheres to or deviates from these realities. These relations can be understood, in part, through the conceptual notions of social justice and oppression, in conjunction with a conversation on capitalism.

In *Justice and the Politics of Difference*, political theorist and social feminist Iris Marion Young proposed that an understanding of how to obtain justice hinges on what exists in its absence: injustice arising from modes of oppression and domination. Young defined oppression through five theoretical frameworks—exploitation, marginalization, powerlessness, cultural imperialism, and violence—to operationalize the term and to reflect how oppression exists within everyday practice. Oppression, according to Young, exists in relation to social groups, collectives of individuals who share a common identity that attaches to individuals of the group prior to the development of individual choice. Social groups are intimately connected to identity. Social justice, too, hinges on identity because oppression emerges from different identities and positions among individuals in a society. Oppression is thus positioned in institutional conditions and is dependent on social interactions; in defining oppression in this way, the concept is removed from political discourse and can engage with multiple interstices of identity.

Brazilian philosopher Paulo Freire also considered oppression, but in relation to class distinctions. In *Pedagogy of the Oppressed*, Freire noted that the duration of oppression in class structures produces dehumanization. Dehumanization is the process whereby injustice produces a complete deprivation of the ability for oppressed groups to exercise rights. This, importantly, influences social justice, and because dehumanization is a historical reality, social justice must not be explained merely as a contemporary issue but must be understood within a historical context. In essence, an (in)ability to pursue social justice develops across geopolitical, temporal, and historical boundaries.

17. Paz Gómez, "How to Tackle Latin America's Informal Economy: More Carrot, Less Stick: Cut Red Tape, Help Workers Formalize," *Econ Americas* (blog), March 21, 2019, https://econamericas.com/2019/03/tackle-latin-americas-informal-economy/.

18. "Informal Economy in Latin America and the Caribbean: Implications for Competition Policy," Latin American and Caribbean Competition Forum (Buenos Aires, Argentina: Organization for Economic Co-operation and Development, April 1, 2019): 5.

19. Daniel Goldstein, *The Spectacular City: Violence and Performance in Urban Bolivia* (Duke University Press, 2004).

Unfortunately, Freire's full theory is removed from the urban context that is highly relevant to theorizations of social justice in Latin America. Freire called for a collective reflection by the oppressed so that they may, unitedly, mobilize against their oppressors; but collective reflection is logically infeasible within urban contexts, which maintain an extensive heterogeneous population and are marked as "place[s] where difference lives."[20] Indeed, Freire's concept of critical consciousness, *conscientizacao*, alleged that to obtain justice, the oppressed must recognize their social position and that this is a fundamental antecedent to pursuing action against oppressive regimes. Social justice here emerges from liberalization, which is viewed as a process of humanization that can alter the institutional injustices that stimulate oppressive mechanisms.

Young, as mentioned above, viewed injustice through the lens of oppression and domination, with domination being defined in terms of decision-making, division of labor, culture, and distribution. Oppression and domination are both institutional, such that obtaining social justice requires "institutions that promote reproduction of and respect for group differences without oppression."[21] Freire showcased that to overcome these oppressions, it is not merely attempting liberation without guidance, but that the oppressed themselves must fully comprehend the structures that engender violence against them, and that they then must confront this culture. These theories connect importantly to social justice, a concept of fairness that has been obliterated by the institutional existence of oppression that has marked a number of differentially identifying bodies. Oppression thus persists because a collective of individuals is incapable of elucidating its position and of vying for liberation, and oppression alters so extensively across time and space that it becomes difficult to explicate in its current time. This understanding of social justice—as confronting oppression, as liberating oneself through collectivity—merely blemishes the surface of the historical realities that it entails.

Understanding oppression and social justice is necessary because drug trafficking does not exist in a vacuum—it interacts with, develops from, and fuels social, political, and economic relations. It is important to discern how women are perceived by and how they act within a society to conceptualize, or theorize, their position in drug trafficking organizations. Although United Nations Women (UNW) writes that Mexico has improved in terms of gender equality and gender mainstreaming, it notes that there exist "persistent social disadvantages and high indices of discrimination, that are cause and consequence of continuous marginalization in wide sectors of the population, mainly women, girls, indigenous population and migrants."[22] UNW also notes that this is in large part due to "an implementation gap between what is stated in the laws, plans, programs and budgets on women's rights and practical implementation and compliance in daily life."[23] Many women in Mexico do not face a reality of equality, and many remain in persistent fear due to a staggeringly high rate of femicide. One newspaper article reports that women in the nation are "galvanized by a […] fundamental right [to] live," and that a protest on March 8, 2020, coinciding with International Women's Day, was held "to cry out for justice in a society where there is impunity for murderers and rapists."[24] One manifestation of oppression in

20. Don Mitchell, *The Right to the City: Social Justice and the Fight for Public Space*, 2003: 18.
21. Iris Marion Young, *Justice and the Politics of Difference* (Princeton University Press, 2012): 47.
22. United Nations Women, "Mexico," n.d., https://lac.unwomen.org/en/donde-estamos/mexico.
23. Ibid.
24. Amanda Petersen and Deborah Shaw, "Mexican Women Aren't Just Fighting for Equality—But Survival," *The Globe Post*, March 25, 2020. https://theglobepost.com/2020/03/25/mexico-femicides/.

Mexico is violence against women; one confrontation of this oppression is through the means of protests. Injustice is undeniably present in the nation.

Capitalism must be addressed when considering injustice, as well as means of justice, in Mexico. Capitalism is an arrangement of social relations that is innately linked with social justice because it forms the infrastructure of society from which social justice strives to materialize. Due to its evolving nature, capitalism is found in various guises across time and space, and thus its individualistic existence in communities must be attended to and its differential appearances demand multiple explanatory academic theories. In its existing form—contrary to its founding ideology of social advancement—capitalism invariably dismisses the aims of social justice, most notably that of liberation from institutional oppression. Latin America is predominantly capitalist due to colonialism, which imposed social relations of the colonizing countries on the supposed underdeveloped world: capitalism has diffused "unevenly and incompetently […] through coercive means."[25] It is a contradiction in itself that a system of freedom was forcefully imposed upon colonies, and these colonial standards of exploitation have remained entangled with the concept of capitalism and have manifested themselves within gendered oppression.

There is an inherent duality to commodities within capitalism: they exhibit both a use value (a determination of their utility), and an exchange value (a quantitative measurement of their trade worth). This capitalist duality has established itself in Latin American cities and its discourse has marked gendered bodies. Ideologically, capitalism is intended to ensure the intrinsic freedom of citizens and a capability for social advancement, but despite this, capitalism has augmented social stratification and shielded particular gendered bodies from view vis-à-vis exploitation. Melissa W. Wright argues that female labor power, the basis for the calculation of exchange value, "declines over time [with] this deterioration [producing] its own kind of value as she furnishes a necessary flow of temporary labor."[26] Women are deemed "untrainable" due to their "declining value since their intrinsic value never appreciates into skill but dissipates over time," effectively allowing for men to "[emerge] as the emblem of that other kind of variable capital whose value appreciates over time."[27] These ideas parallel Young's work, in which "the powers of workers diminish […] because workers suffer material deprivation and a loss of control."[28] This idea of the disposable woman, capable only of depreciating value, is what leads to high turnover rates in industrial settings. Women are continually dismissed, and men lauded for their stability, in the search for a renewed woman whose value has yet to fully depreciate. Gendered oppression not only exists through means of violence, but also manifests from exploitation. Young's theory of exploitation explained this phenomenon, wherein individuals positioned in the affluent structures of capitalism exploit female workers through their envisioned depreciating value, which works to bolster the position of men. Capitalism is inherently a stratified dynamic: the oppressed are incapable of social advancement because the duality of capitalism withholds them.

Young believed exploitation to be a form of oppression and this is fundamentally associated with the labor theory of value, an aspect of Karl Marx's theory of capitalism. Marx

25. Geoff Mann, *Capitalist Political Economy: Smith to Marx to Keynes and Beyond*, 2013, 12.

26. Melissa W. Wright. 1999. "The Dialectics of Still Life: Murder, Women, and Maquiladoras." *Public Culture* 11, no. 3 (Fall): 454, https://doi.org/10.1215/08992363-11-3-453.

27. Ibid., 455.

28. Young, *Justice and the Politics*, 49.

focused on the class distinctions that emerge from capitalism and believed that abolishing the institution of class would alleviate oppression, but these ideas disregard other forms of existing oppression. In capitalism, there is a distinction between individuals who own the modes of production and possess wealth and the people who work for these individuals (the laborers). Exploitation occurs within this structure due to the labor theory of value: that commodities are exchanged at a price that is higher than the quantitative value of the related labor power. Through exploitation—workers being paid at a lower wage rate for their labor power and commodities being exchanged at a higher level than labor power quantifies—there is a transfer of power to the capitalist class, effectively amplifying the amount of power it holds. Economic class is a key axis of difference in the intersectionality of oppression, and because economic concepts arise from capitalist structures, it follows that the impact of capitalism should be discussed when considering how social justice can overcome these aspects of oppression.

Oppression, critical consciousness, and capitalism relate to drug trafficking in Mexico because these realities influence economic opportunities available to women. These economic opportunities are uniquely shaped by Mexico's urban layout. In forming a representative model of Latin American urbanization, it was found that there is a stratified structure to the urban center and the urban periphery wherein the inferior residential quality of exterior zones acts as a physical barrier preventing socioeconomic advancement.[29] Residents of these peripheral zones are often employed in the informal economy, which is exploitative as it "[provides] the formal sector with goods and services at very low prices, which makes possible the high profits of the 'formal' sector."[30] An inability to secure employment at the formal level necessarily relegates individuals to informal and illicit economies. Structural barriers emergent from urban geography enable the perpetuation of oppression and exploitation because it delimits forms of economic opportunity: these physical locations force residents into exploitation. While this is ultimately a simplification of the relationship between urbanization and oppression, it shows that knowledge of the urban landscape is imperative in a discussion of how oppression and exploitation relate to economic realities because the urban periphery inhibits formal means of employment. The fact that "upward socioeconomic mobility is relative in Latin America" is due to both social and physical infrastructure.[31] To understand how women resort to the illicit economy, it is necessary to comprehend the multifaceted and perpetual infrastructure of exploitation that alters by location.

GENDERED DIMENSIONS OF DRUG SMUGGLING IN MEXICO

Female labor power is understood through the lens of capitalism and its duality of value, where "wealth is accumulated in the form of exchange value."[32] This is important because it exemplifies the extreme economic precarity within which women in Mexico find themselves, particularly as the unique form of Latin American urbanization has engendered oppression, making formal means of wages difficult to attain. Workers, often due to their physical positionality, are forced into the extensive and heavily influential Mexican informal economy, which is connected to the global market exchange of illicit substances. "Mexico's

29. Ernst Griffin and Larry Ford, "A Model of Latin American City Structure," *Geographical Review* 70, no. 4 (1980): 397–422, https://doi.org/10.2307/214076.

30. Cathy Rakowski et al., "Part I," in *Contrapunto: The Informal Sector Debate in Latin America*, 1994, 22.

31. Griffin and Ford, "A Model," 402.

32. Mann, *Capitalist Political Economy*, 25.

informal financial system has functioned as a nexus between the legitimate government-regulated economy and the underground economy [and] a large portion [of participants] take part in the drug trade."[33] Economic mobility for women is thus typically limited and largely relegated to the informal economy, which operates outside the boundaries and control of the state.

An opportunity structure is a sociological term indicating that particular pathways to success are influenced by how certain social structures are coordinated, including labor markets and drug trafficking organizations. Gendered opportunity structures are those opportunity structures that differentially afford opportunities to a particular gender. This aligns with social-constructionist theory, an analytical framing that emphasizes the entirety of the social system, revealing social inequalities and forms of structural violence. Structural violence includes the forces—political, social, and economic—that make individuals vulnerable to particular risks, including participation in drug trafficking. Structural violence often constrains personal autonomy, producing unbounded suffering.[34] Autonomy and power are relevant for a discussion on the gendered dimensions of drug smuggling in Mexico because having power often enables social mobility. In drug trafficking organizations, women have varying levels of power as a result of the different positions they occupy. These positions include women as drug lords themselves, as maintaining middle-level positions, and as low-level smugglers, or mules. Drug smuggling can lead to "female victimization" but can also be "a vehicle for female empowerment" depending on which of these aforementioned roles a woman occupies.[35] To understand these avenues of potential economic mobility for women, each position will be briefly considered.

Female drug lords are in a position of potential empowerment due to their status and influence. To become respected drug lords in Mexico, these women often go *macha*, which is the feminized version of the word *macho*.[36] Macho generally references an aggressive form of masculinity or acts as an indicator for the masculine. This display of a (perhaps modified) masculinity can be understood through Judith Butler's performativity theory wherein performativity is how an individual socially demonstrates their own identity, often through projections of femininity or masculinity.[37] Performances of masculinity by female drug lords represent how, in order to obtain, solidify, and maintain a high-level position in a drug trafficking organization, femininity is insufficient. This identity "neither simply mimics male *narcotraficante* models nor fits neat images of politically-conscious feminist heroines," but is a unique embodiment of "traditional masculine" characteristics and actions

33. David J. Masucci, "Mexican Drug Activity, Economic Development, and Unemployment in a Rational Choice Framework," *Inquiries Journal/Student Pulse* 5, no. 9 (2013), http://www.inquiriesjournal.com/articles/755/mexican-drug-activity-economic-development-and-unemployment-in-a-rational-choice-framework.

34. Paul Farmer, "On Suffering and Structural Violence: Social and Economic Rights in the Global Era," in *Pathologies of Power: Health, Human Rights, and the New War on the Poor*, 1st ed., California Series in Public Anthropology. Berkeley, Calif.: University of California Press, 2003. 29–50; Arthur Kleinman and Joan Kleinman, "The Appeal of Experience; The Dismay of Images: Cultural Appropriations of Suffering in Our Times," in *Social Suffering*, eds., Arthur Kleinman, Veena Das, and Margaret Lock. Berkeley. Calif.: University of California Press.1–21.

35. Howard Campbell. 2008. "Female Drug Smugglers on the U.S.-Mexico Border: Gender, Crime, and Empowerment." *Anthropological Quarterly* 81, no. 1 (Winter): 234. https://doi.org/10.13353/anq.2008.0004.

36. Ibid., 247.

37. Judith Butler. 1988. "Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory," *Theatre Journal* 40, no. 4 (December): 519–31; Judith Butler. 1990. *Gender Trouble: Feminism and the Subversion of Identity.* New York, N. Y.: Routledge.

in a female-presenting individual.[38] The decimation of the traditional female allows for the ascent of the female in the drug trafficking organization.

Women in middle-level positions, often those who launder money or run businesses that are fronts for money laundering, " 'perform' gender within traditional cultural boundaries although they may use them ultimately to subvert male power."[39] In this observation it becomes clear how the extent to which a female portrays masculinity determines whether or not they can usurp a role often relegated to men. However, "without the freedom high-level smuggling women obtain through great wealth and power, middle-level *narcas* are usually still dependent on patriarchal spouses and male partners."[40] Kinship is an important factor here: these women do not often cultivate their own masculinity to advance their positionality, but are instead dependent on men for any potential social mobility. Familial relations can thus alter the gendered opportunity structure of drug trafficking organizations. Unlike women in middle- and high-level positions, low-level female smugglers are often forced into these roles because they are in an insecure and unsustainable economic position. Tremendous risk is involved with smuggling activity, particularly that which occurs at the border. Contrary to performances of masculinity, these women rely on displays of femininity to evade detection.[41] As such, this position exploits women and limits their ability for social mobility. While dehumanization and vulnerability are rampant at this level, it is possible that the independent act of smuggling can provide autonomy to women who otherwise lack this form of power in the informal or formal economies.

As elucidated by Howard Campbell (2008), women are capable of operating multiple positions in drug trafficking organizations. Because "Mexico's organized crime groups are still largely dominated by men," these potential positions are not anticipated; in fact, "analysis of criminal organizations has too often overlooked women, failing to account for the many roles that they play in such groups, as well as the impact that criminal activity has on them."[42] Linda M. Mais writes:

> "In Mexico's drug war, women have traditionally been invisible and played only minimal roles within transnational drug trafficking organizations or cartels that have plagued Mexico with their incessant violence. […] Some women are quickly shedding [traditional] passive roles and coming to the forefront of the drug war by taking on more traditional male roles in their quest for economic freedom, equality and power."[43]

Mais notes how changing conceptions of gendered roles have also incited female participation in drug trafficking organizations and acknowledges how literature on this reality is relatively sparse. In her thesis, Mais connects this gap in the literature with a

38. Campbell, "Female Drug Smugglers," 248.
39. Ibid., 250.
40. Ibid., 253.
41. Ibid., 253–56.
42. Parker Asmann. "Leadership Role of Women Often Overlooked in Mexico's Organized Crime Landscape," *InSight Crime* (blog), January 14, 2020, https://www.insightcrime.org/news/analysis/leadership-role-of-women-often-overlooked-in-mexicos-organized-crime-landscape/.
43. Linda M. Mais. 2013. "Las Mujeres Hermosas Pero Peligrosas Del Narco: The Evolving Role of Women in the Mexican Drug Cartels." https://www.utep.edu/liberalarts/nssi/_Files/docs/Capstone%20projects1/Linda-Mais-Capstone.pdf.

"reluctance to view women as violent actors."[44] But opportunities have shifted over time, and perspectives must shift if attention is to be brought to the influence and position of women, particularly in a social and economic environment of violence, oppression, and exploitation. Attention has only recently emerged around evolving female roles because of the conviction of a Mexican female who led an international drug trafficking network, but media sensationalism is not sufficient in generating knowledge.[45] This instance, however, does highlight how women have effectively penetrated the labor structure of drug trafficking organizations.

CONCLUSION

This overview considers the international landscape of drug trafficking, the regional plight of drug trafficking violence, the social and economic experiences of oppression in Mexico, and the potential positions of women in drug trafficking organizations. Because literature is sparse, the latter two subjects heavily rely on a minimal number of authors, which exemplifies the urgent need to bring attention to how women exist and operate in drug trafficking organizations.

This paper describes how the aforementioned thematic topics are necessarily intertwined. Drug trafficking is a deeply embedded reality on national, regional, and international scales, and such prominence requires persistent and rigorous scrutiny. This is particularly true in Mexico, where embedded forms of oppression and exploitation force individuals, primarily females, into the informal economy. Capitalism, as a social and economic structuring principle of Mexico, cannot go unaddressed in academic considerations of the illicit drug trade because it augments the necessity of the informal economy, and with it, drug trafficking. Once a labor and opportunity structure dominated by males, drug trafficking organizations have slowly incorporated women among their ranks. How does the perpetuity of capitalism force women into drug trafficking? How does the international nature of drug trafficking become a gendered organizing structure for social and economic principles? What are the implications of increased female participation in drug trafficking? What does this mean for the family unit and communal frameworks of care? These questions emerge naturally from this conversation, and demand attention.

44. Ibid.
45. Asmann, "Leadership Role."

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JAKE GUTMAN

'A TRIUMPH OF PERSISTENCE:'

A Legislative History of the Women, Peace, and Security Act of 2017

INTRODUCTION

The enactment of the Women, Peace, and Security (WPS) Act of 2017 marked a groundbreaking moment for the integration of gender into US peacebuilding and security policy. The director of one organization focused on gender equity in security affairs called the bill's passage "an enormous step toward involving women as decision-makers on matters of war and peace."[1]

For the first time in US history, the legislation connected the participation of women in security institutions and processes to peace, recognizing research that has shown that "participation of women and civil society groups in a peace negotiation makes the resulting agreement 64 percent less likely to fail and 35 percent more likely to last at least fifteen years."[2] The bill's central thrust was the requirement for a US government-wide strategy every four years to "promote women's participation in peace processes, prioritize protective mechanisms for women and girls in the midst of conflict, engage women in conflict prevention and peace-building efforts and ensure equal access for women and girls to relief and recovery efforts during post-conflict reconstruction," building on an effort by the Obama Administration in 2011.[3]

In the years following its passage, the WPS Act became a major talking point by the Trump Administration on its efforts to promote gender equality from the UN Security

1. Jacqueline O'Neill, "Nine Things You Need to Know About the Women, Peace, and Security Act," Inclusive Security, October 12, 2017, at https://www.inclusivesecurity.org/2017/10/12/nine-things-need-know-women-peace-security-act/.

2. Rachel B. Vogelstein and Jamille Bigio, "Three Things to Know: The Women, Peace, and Security Act of 2017," Council on Foreign Relations, October 13, 2017, at https://www.cfr.org/blog/three-things-know-women-peace-and-security-act-2017.

3. Sarah Kambou, "New Law Will Ensure Women a Seat at the Peace Table," *International Center for Research on Women (ICRW)* (blog), October 6, 2017, at https://www.icrw.org/news/new-law-will-ensure-women-seat-peace-table-2/.

Council,[4] to the Organization for Security and Co-operation in Europe (OSCE),[5] to embassies around the world.[6] US officials, from Secretary of State Mike Pompeo,[7] to the US Agency for International Development (USAID) Administrator Mark Green,[8] to Senior Advisor to the President and First Daughter Ivanka Trump, came to champion it. Ivanka made it a centerpiece of her various initiatives on women's empowerment within the administration.[9]

Yet the bill's passage seemed to defy conventional wisdom. As one notable gender equality advocate remarked on the irony of the bill's passage, "[W]hen Donald Trump signed the bill without fanfare or ceremony in October, he completed a process set in motion by then-Secretary of State Hillary Clinton in 2011."[10] How did a bill codifying an Obama Administration initiative pass the Republican-controlled House of Representatives and Senate and then be signed into law by President Donald J. Trump?

This paper tells the story of the legislative process that culminated in the enactment of the WPS Act, from early efforts by Congress in 2012 to its final signature by the president in 2017. Over time, countries have developed National Action Plans (NAPs) to implement the provisions of United Nations Security Council Resolution (UNSCR) 1325 on Women, Peace, and Security into their national policies, as the United States did when the Obama Administration unveiled its first NAP in 2011.

The paper then turns to efforts within the US Congress to enshrine the key provisions of UNSCR 1325 into US law, beginning with several nonbinding resolutions in the 2000s. It then discusses the introduction of the Women, Peace, and Security Act in the House of Representatives and Senate in 2012. It follows the efforts of advocates and several representatives and senators during four Congresses until the bill's ultimate passage and signature into law in 2017.

The paper concludes with an in-depth discussion of five factors that were critical to the bill's enactment into law: (1) the weakening of the bill from its original language, (2) the Trump Administration's unorthodox policymaking, (3) the fact that the WPS Act remained a relatively low-profile bill and issue, the work of (4) a committed coalition of advocates,

4. Jonathan Cohen, "Remarks at a UN Security Council Open Debate on Women in Peacekeeping," United States Mission to the United Nations, April 11, 2019, at https://usun.usmission.gov/remarks-at-a-un-security-council-open-debate-on-women-in-peacekeeping/.

5. James S. Gilmore III, "Joint FSC-PC Statement on UNSCR 1325 on Women, Peace and Security," U.S. Mission to the OSCE, May 20, 2020, at https://osce.usmission.gov/joint-fsc-pc-statement-on-unscr-1325-on-women-peace-and-security/.\

6. Callista L. Gingrich, "Ambassador Gingrich's Remarks at a Reception in Honor of International Women's Day," U.S. Embassy to the Holy See, March 12, 2019, at https://va.usembassy.gov/ambassador-gingrichs-remarks-at-a-reception-in-honor-of-international-womens-day/.

7. Michael R. Pompeo, "Release of the United States Strategy on Women, Peace, and Security," *United States Department of State* (blog), June 11, 2019, at https://www.state.gov/release-of-the-united-states-strategy-on-women-peace-and-security/.

8. Mark Green, "Statement by USAID Administrator Mark Green on the U.S. Strategy on Women, Peace, and Security," U.S. Agency for International Development, June 11, 2019, at https://www.usaid.gov/news-information/press-releases/jun-11-2019-statement-usaid-administrator-mark-green-us-strategy-women-peace-security.

9. Catherine Lucey, "Ivanka Trump Pushes Initiative to Give Women Bigger Role in Global Peace Efforts," *Wall Street Journal*, June 11, 2019, sec. Politics, at https://www.wsj.com/articles/ivanka-trump-pushes-initiative-to-give-women-bigger-role-in-global-peace-efforts-11560265589.

10. Swanee Hunt, "The Women, Peace, and Security Act: A Rare Milestone," Women's eNews, March 3, 2018, at https://womensenews.org/2018/03/the-women-peace-and-security-act-a-rare-milestone/.

and (5) legislators who were champions of the bill within Congress. In doing so, the hope is to add a more complete picture of the legislative history of the WPS Act and a case study for the passage of a federal law under the Trump Administration.

ORIGINS OF THE WOMEN, PEACE, AND SECURITY ACT

The 2011 US National Action Plan

The origins of the WPS Act can be found in the implementation of UNSCR 1325 and the development of National Action Plans (NAPs) by member states to detail how they planned to carry out the requirements of the resolution. Following the UN Secretary-General's first report on the impact of conflict on women and girls in October 2002, the UN Security Council issued a presidential statement calling on member states to develop "national action plans or other national level strategies."[11] These calls were reiterated in subsequent Security Council statements, building momentum towards implementation of UNSCR 1325 at the individual country level. In 2005, Denmark became the first country to launch a NAP, setting off a wave of action plans in the subsequent years.[12] Today, some 84 countries have adopted NAPs in line with UNSCR 1325.[13]

The creation of a US NAP was the highest priority of the US Civil Society Working Group (CSWG) on Women, Peace, and Security. The network of experts, NGOs, and academics on gender, peace, and security issues was formed in July 2010 "to encourage the development and launch of the US National Action Plan and then to develop effective implementation plans."[14] Member organizations held strategy sessions among themselves and met with a variety of US government agencies to advance the WPS agenda. Their work to put pressure on the administration to release its own NAP finally paid off. On the 10th anniversary of UNSCR 1325, October 26, 2010, Secretary of State Hillary Clinton spoke before the UN Security Council and announced that the US would develop a "National Action Plan to accelerate the implementation of Resolution 1325 across our government and with our partners in civil society."[15] Over the next year, the CSWG and allied organizations facilitated consultations with the US Department of State in five US cities and produced a report to influence the eventual NAP.[16]

In December 2011, President Barack Obama released America's first NAP on Women, Peace, and Security, accompanied by an executive order to implement it.[17] For the first

11. "Statement by the President of the Security Council (S/PRST/2002/32)" (United Nations, October 31, 2002), at https://www.un.org/womenwatch/ods/S-PRST-2002-32-E.pdf.

12. "National Action Plan: Denmark," PeaceWomen, December 22, 2014, at https://www.peacewomen.org/nap-denmark.

13. "Member States," PeaceWomen, November 14, 2014, at https://www.peacewomen.org/member-states.

14. U.S. Civil Society Working Group, "U.S. Civil Society Applauds the Introduction of the Women, Peace, and Security Act," Inclusive Security, August 1, 2012, at https://www.inclusivesecurity.org/wp-content/uploads/2012/08/U.S.-Civil-Society-Applauds-the-Introduction-of-the-Women-Peace-and-Security-Act_8.1.12.pdf.

15. Hillary Rodham Clinton, "Remarks at the 10th Anniversary of UN Security Council Resolution 1325 on Women, Peace and Security," U.S. Department of State, October 26, 2010, at https://2009-2017.state.gov/secretary/20092013clinton/rm/2010/10/150010.htm.

16. Catia Cecilia Confortini, *Intelligent Compassion: Feminist Critical Methodology in the Women's International League for Peace and Freedom* (Oxford University Press, 2012), 177.

17. Office of the Press Secretary, "FACT SHEET: The United States National Action Plan on Women, Peace, and Security," The White House, December 19, 2011, at https://obamawhitehouse.archives.gov/the-press-office/2011/12/19/fact-sheet-united-states-national-action-plan-women-peace-and-security.

time, US foreign policy would have to consider gender in its analysis of issues from conflict prevention to peace processes. The NAP described itself as "a government-wide effort to leverage US diplomatic, defense, and development resources to improve the participation of women in peace and conflict prevention processes, protect women and girls from [sexual and gender-based violence], and help ensure that women have full and equal access to relief and recovery resources."[18] It outlined five high-level objectives that were then broken down into smaller actions to be taken by various agencies: National Integration and Institutionalization, Participation in Peace Processes and Decision-making, Protection from Violence, Conflict Prevention, and Access to Relief and Recovery.[19]

The NAP built upon the Obama Administration's 2010 National Security Strategy and Quadrennial Diplomacy and Development Review later that year, which made supporting the rights of women and girls a policy goal.[20] However, the 2011 NAP was notable for forcing a wide range of government institutions to coordinate and institutionalize gender-responsive policies, including the departments of State, Treasury, and Justice, USAID, and the Centers for Disease Control and Prevention. It required each agency to submit agency-specific implementation plans to the White House to ensure that the Obama Administration's prioritization of the issue was not lost in the bureaucracy. Nevertheless, this approach also opened the NAP up to controversy.

While civil society organizations were key advocates in galvanizing support for the 2011 US NAP and welcomed its release, they were also critical of several aspects of the original plan.[21] Some organizations called it "a mere outline waiting to be filled out with the specific commitments of several federal agencies."[22] In some ways they were correct, because much of the NAP's substance would not be realized until agencies published their implementation plans 150 days after the NAP's release. Moreover, the NAP was criticized for only focusing on US commitments abroad, and thus falling "far short of addressing the security threats identified by U.S. women" by failing to acknowledge or address threats to women's peace and security domestically. Other specific concerns included the lack of dedicated funding for WPS activities, how conflict prevention was being defined, and the use of women in war zones in ways that blur the distinction between military and humanitarian missions, such as the US military's use of Female Engagement Teams in Iraq and Afghanistan.[23]

Early Congressional Efforts to Integrate UNSCR 1325

Within Congress there had been nascent efforts to push the administration to more

18. "United States National Action Plan on Women, Peace, and Security" (The White House, December 2011), 11, at https://obamawhitehouse.archives.gov/sites/default/files/email-files/US_National_Action_Plan_on_Women_Peace_and_Security.pdf.

19. "United States National Action Plan on Women, Peace, and Security," 12, at https://obamawhitehouse.archives.gov/sites/default/files/email-files/US_National_Action_Plan_on_Women_Peace_and_Security.pdf.

20. "National Security Strategy" (The White House, May 2010), at https://obamawhitehouse.archives.gov/sites/default/files/rss_viewer/national_security_strategy.pdf; "Leading Through Civilian Power: The First Quadrennial Diplomacy and Development Review" (U.S. Department of State and U.S. Agency for International Development, 2010), at https://2009-2017.state.gov/documents/organization/153108.pdf.

21. Sarah Williamson, "Women, Peace, and Security: Toward a U.S. Action Plan," *Women in International Security* (blog), May 9, 2011, at https://www.wiisglobal.org/women-peace-and-security-toward-a-u-s-action-plan/.

22. "Reaction to US NAP," PeaceWomen, 2011, at https://www.peacewomen.org/sites/default/files/napreaction.pdf.

23. Women's International League of Peace and Freedom, "WILPF Reaction to US NAP," PeaceWomen, 2011, at https://www.peacewomen.org/sites/default/files/us_wilpf_statement_on_us_nap_1.pdf.

fully integrate UNSCR 1325 into domestic law as early as 2003. That year, Representative Eddie Bernice Johnson of Texas introduced a nonbinding resolution calling for the US to meet its obligations under UNSCR 1325 and for the US to use its power at the UN to encourage greater gender-inclusion in key peace and security institutions.[24] Johnson introduced the resolution once again in 2007, but neither time did it receive a vote.[25] Then in 2010, Representative Russ Carnahan of Missouri introduced a resolution ahead of the 10th anniversary of UNSCR 1325 that was less prescriptive than the previous two resolutions.[26] Although these three resolutions had no binding effect on the executive branch, they signaled the continued interest of Congress in pushing the WPS agenda forward within the US government.

The first substantial effort towards enactment of the WPS agenda into US law appears to have begun in 2011 in the Senate. When the Senate Appropriations Committee, Subcommittee on State, Foreign Operations, and Related Programs, led by Senator Patrick Leahy of Vermont, released its appropriations bill on September 22nd, it contained a new section titled "Programs to Promote Gender Equality," which called on the Secretary of State to develop a NAP in line with UNSCR 1325 and to consider gender in strategic planning and budget allocations.[27] Because the appropriations process is relatively secretive and individual senators' requests are kept confidential, it is not clear who authored this new section.

Though Congress was anticipating the release of the Obama Administration's NAP, the provision indicated Congress's willingness to push the administration to ensure it followed through with its verbal commitments. The entire section was later included in the final appropriations bill for FY 2012 that was signed by President Obama, H.R.2055, marking the first time Congress had referenced UNSCR 1325 in US law and requiring an administration to implement its provisions.[28] Nevertheless, because this section, and thus the requirement for the NAP, was passed as part of an annual appropriations bill, it would only last in force until the end of the fiscal year or September 30, 2012. If Congressional advocates for the WPS agenda wanted to enshrine the NAP permanently into law, they would need to include the language outside of an annual appropriations bill.

PASSAGE OF THE WOMEN, PEACE, AND SECURITY ACT

112th Congress: Introduction

The initial version of the WPS Act was introduced in Congress on August 1, 2012,

24. Eddie Bernice Johnson, "H.Res.432 - 108th Congress (2003-2004)," webpage, Congress.gov, November 4, 2003, 2003/2004, at https://www.congress.gov/bill/108th-congress/house-resolution/432.

25. Eddie Bernice Johnson, "H.Res.146 - 110th Congress (2007-2008)," webpage, Congress.gov, April 17, 2007, 2007/2008, at https://www.congress.gov/bill/110th-congress/house-resolution/146.

26. Russ Carnahan, "H.Res.1676 - 111th Congress (2009-2010): Recognizing the 10th Anniversary of the Unanimous Adoption of United Nations Security Council Resolution 1325 on Women, Peace, and Security." webpage, Congress.gov, September 29, 2010, 2009/2010, at https://www.congress.gov/bill/111th-congress/house-resolution/1676.

27. Patrick J. Leahy, "S.1601 - 112th Congress (2011-2012): Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012," webpage, Congress.gov, September 22, 2011, 2011/2012, at https://www.congress.gov/bill/112th-congress/senate-bill/1601.

28. John Abney Culberson, "H.R.2055 - 112th Congress (2011-2012): Consolidated Appropriations Act, 2012," webpage, Congress.gov, December 23, 2011, 2011/2012, at https://www.congress.gov/bill/112th-congress/house-bill/2055.

in both the House of Representatives and Senate. It had come about after a "small subset of CSWG members championed the WPS agenda by working closely with congressional members and staffers from both parties" to codify the NAP into law.[29]

In the Senate, Barbara Boxer of California, who had long championed gender equality and was a member of the Senate Foreign Relations Committee (SFRC), was the lead sponsor of the bill, S.3477.[30] Since first being elected in 1993, she had risen to become the most senior Democrat on the committee, standing only behind Chairman John Kerry of Massachusetts. Boxer was also chairman of the subcommittee handling global women's issues, making her the ideal senator to shepherd the bill through the chamber, as it would likely have to pass through her committee before reaching the Senate floor for a vote by the entire body. A fierce champion for gender equality and women's rights, she had often rankled her male colleagues on the SFRC and pushed them to put themselves in her shoes as one of only two women on the committee.[31] Leading the bill with Boxer on the Republican side was Kay Bailey Hutchison of Texas, an influential senator and at the time, the second longest-serving Republican woman senator in history.

In her statement on the Senate floor introducing the bill, Boxer discussed the importance of the bill for its substantive and bureaucratic merits. She pointed to research indicating that "women and girls are disproportionately impacted by violence and armed conflict," but also highlighted research that indicated "that integrating women into peace-building processes helps promote democracy and ensure the likelihood of a peace process succeeding."[32] But her statement began with a simple message: the bill was intended to ensure the Obama Administration's 2011 NAP was not simply a one-off initiative. Boxer and her colleagues sought to ensure the NAP would be treated more along the lines of the National Defense Strategy, a substantial and thoughtful report required by Congress every four years.

In the House, Representative Carnahan, a mid-ranking member of the House Foreign Affairs Committee (HFAC), was the lead sponsor of the companion bill, H.R.6255.[33] Carnahan had previously introduced a nonbinding resolution recognizing the 10th anniversary of UNSCR 1325 in 2010 and had a record of advocacy on issues related to peace and reconciliation[34] and gender equity on HFAC.[35]

29. "Know Your History: The Making of the Women, Peace, and Security Act," Our Secure Future (blog), October 8, 2018, at https://oursecurefuture.org/blog/history-women-peace-security-act.

30. Barbara Boxer, "S.3477 - 112th Congress (2011-2012): Women, Peace, and Security Act of 2012," webpage, Congress.gov, August 1, 2012, 2011/2012, at https://www.congress.gov/bill/112th-congress/senate-bill/3477.

31. "Senate Committee Print 114-33 - BUSINESS MEETINGS OF THE COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE," Congress.gov, January 4, 2016, at https://www.congress.gov/committee-print/114th-congress/senate-committee-print/25478.

32. "STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS; Congressional Record Vol. 158, No. 116 (Senate - August 28, 2012)," Congress.gov, August 28, 2012, at https://www.congress.gov/congressional-record/2012/8/28/senate-section/article/s5872-1.

33. Russ Carnahan, "FOREIGN POLICY: Restoring America's Leadership and Reputation Abroad," The Internet Archive, October 17, 2012, at https://web.archive.org/web/20121017150758/http://www.carnahan.house.gov/index.php?option=com_content&view=article&id=293&Itemid=76.

34. Russ Carnahan, "Carnahan to Highlight Importance of Global Women's Rights," The Internet Archive, May 12, 2010, at https://web.archive.org/web/20121112174712/http://www.carnahan.house.gov/index.php?option=com_content&task=view&id=554&Itemid=108.

35. Carnahan, "H.Res.1676 - 111th Congress (2009-2010)," at https://www.congress.gov/bill/111th-congress/house-resolution/1676.

His bill attracted the support of Representative Howard Berman of California, the top Democrat on the HFAC, and Representative Jan Schakowsky of Illinois, a long-time champion for women's rights in Congress, along with other members of the HFAC and other gender-equality advocates. In contrast to the Senate bill, the House bill had been referred to HFAC and House Armed Services Committee (HASC) for consideration, making its path to passage more precarious because it would need to earn a majority of support in two important committees. Additionally, the House version lacked any Republican cosponsors, all but dooming its chances in the Republican-controlled body.

The WPS Act was backed by a coalition of 36 civil society groups most of which had been key members of the CSWG.[36] These included Amnesty International USA,[37] International Center for Research on Women, U.S. National Committee for UN Women,[38] among many other gender equality and security-focused organizations. The coalition's statement emphasized how the WPS agenda had bipartisan support among US administrations, from the Clinton Administration's support for UNSCR 1325 to the Bush Administration's sponsorship of UNSCR 1820, which recognized sexual violence as a weapon of war and called for more women in UN peacekeeping roles. Bipartisan support for the legislation would be critical to the bill's passage because Republicans had a majority in the House while Democrats had a majority in the Senate.

The legislation itself was relatively straightforward, putting Congress on the record in its support for the WPS agenda. A summary of the legislation by Inclusive Security, an organization founded by Swanee Hunt that works to involve women as decision makers in peace and security processes, noted that the WPS Act primarily advances the NAP's high-level objectives on National Integration and Institutionalization and Participation in Peace Processes and Decision-making while ignoring the other objectives.[39] The legislation's most important impact would have been to codify the NAP by requiring agencies to implement it by law, rather than executive order, to prevent a future president from rescinding NAP by executive order.

The Senate and House versions contained some minor differences in their language. The main substantive differences were that the House version included an expanded definition of "decision-making processes" in conflict situations in which women should be included, and it contained slightly more specific language on integrating gender goals into State Department and USAID agency guidance and contracting.

At the end of the 112th Congress, the chances for the WPS Act's passage seemed low. Neither of the bills in the House or Senate received a legislative hearing or a vote in a committee. While the Senate bill had a substantial number of bipartisan cosponsors—especially for a newly introduced bill—it was now losing all the Republican cosponsors with senators' retirements and electoral losses. In the House, the loss of the bill's lead sponsor, Represen-

36. U.S. Civil Society Working Group, "U.S. Civil Society Applauds the Introduction of the Women, Peace, and Security Act," at https://www.inclusivesecurity.org/wp-content/uploads/2012/08/U.S.-Civil-Society-Applauds-the-Introduction-of-the-Women-Peace-and-Security-Act_8.1.12.pdf.

37. "Congress Introduces Legislation to Bring Women to the Peacemaking Table," Amnesty International USA, August 2, 2012, at https://www.amnestyusa.org/congress-introduces-legislation-to-bring-women-to-the-peacemaking-table/.

38. Swanee Hunt Family Office, "THE WOMEN, PEACE, AND SECURITY ACT OF 2012 (H.R. 6255 /S. 3477) – FACT SHEET," UN Women USA, n.d., at https://unwomenusa.org/files/WPS%20Act_Fact%20Sheet.pdf.

39. Swanee Hunt Family Office, at https://unwomenusa.org/files/WPS%20Act_Fact%20Sheet.pdf.

tative Carnahan, to a primary challenge and the fact that the legislation had no Republican cosponsors in a chamber dominated by Republicans, made its prospect bleak. More broadly, the Obama Administration's 2011 NAP had only existed for a year and as a result, the value of the NAP and any efforts to codify it, as the WPS Act sought to do, were likely seen as premature for many in Congress.

113th Congress: Slow Progress

In the 113th and 114th Congresses, the WPS Act appeared to make little progress. Its introduction during the previous Congress had come in August 2012 in the both the Senate and the House, and with Congress ending at the beginning of January 2013, it had little time to secure passage. In the 113th Congress, by contrast, the House and Senate versions were introduced at different times, suggesting that the sponsors in the House and Senate were not coordinated in their efforts to push the bill forward.

The House bill, H.R.2874, newly led by Representative Schakowsky, was introduced in July 2013 with all Democratic cosponsors.[40] While she was not a member of the HFAC, Schakowsky was known as a strong progressive and was a champion for gender equality. She had previously been a cosponsor of the 2007 House Resolution by Representative Johnson that called on the US to meet its obligations under UNSCR 1325 relating to women, peace, and security.[41]

It was not until nearly five months later, in January 2014, that the Senate released its companion bill, S.1942, once again led by Senator Boxer.[42] Boxer did not release a statement or give a speech on the floor commemorating its introduction and in fact, there were no references to the bill in the Congressional Record during the entire 113th Congress. After losing several of the bill's cosponsors, Boxer was able to pick up Republican Senator Mark Kirk of Illinois to keep the legislation bipartisan. The other original cosponsor of the bill was Senator Jeanne Shaheen of New Hampshire, a serious and diligent lawmaker and the only other woman on the SFRC. Shaheen was in line behind Boxer as the next ranking Democrat on the SFRC subcommittee on global women's issues and thus was an important ally on the committee to support the bill.

Advocacy groups, led by the CSWG, continued to back the newly reintroduced bills.[43] Amnesty International cited the example of Afghan women deserving a seat at the table as part of the reconciliation and peace process in Afghanistan as a tangible effect that passage

40. Office of Congresswoman Jan Schakowsky, "Schakowsky, Johnson, Honda and Tsongas Reintroduce the Women, Peace, and Security Act," Congresswoman Jan Schakowsky, July 31, 2013, at https://schakowsky.house.gov/media/press-releases/schakowsky-johnson-honda-and-tsongas-reintroduce-women-peace-and-security-act.

41. Johnson, "H.Res.146 - 110th Congress (2007-2008)," at https://www.congress.gov/bill/110th-congress/house-resolution/146.

42. Barbara Boxer, "S.1942 - 113th Congress (2013-2014): Women, Peace, and Security Act of 2014," Congress.gov, January 16, 2014, 2013/2014, at https://www.congress.gov/bill/113th-congress/senate-bill/1942.

43. Laura Haight, "Women, Peace, and Security," *Dining for Women* (blog), June 24, 2013, at https://diningforwomen.org/women-peace-and-security/; U.S. Civil Society Working Group, "Women, Peace, and Security Act," Inclusive Security, 2014, at https://www.inclusivesecurity.org/wp-content/uploads/2014/01/WPS-Fact-Sheet-and-Supporting-Organizations.pdf; "Issue Brief: The Women, Peace, and Security Act (WPS)," Amnesty International USA, Winter 2014, at https://www.amnestyusa.org/pdfs/WomenPeaceSecurityIssueBrief.pdf.

of the WPS Act could bring about.[44] In a sign of the growing recognition of the importance of the WPS agenda, a network of some of the largest foundations making grants that contribute to peace and global security, including the Carnegie Corporation, the MacArthur Foundation, and the US Institute of Peace, created a new working group on WPS at its annual meeting in April 2014.[45]

Although neither the House nor the Senate versions of the bill were brought up for a vote during the 113th Congress, interest in implementation of the NAP seemed to be growing within Congress. In April 2014, Senator Robert Menendez of New Jersey, the new chairman of the SFRC, asked several written questions of now Secretary of State John Kerry about implementation of the US NAP and whether any results of reviews of the plan would be released publicly, indicating a frustration with the wholly executive-led process.[46] While Menendez was better known for his interest in Western Hemisphere issues and hawkish views on Cuba and Iran, his questions suggested for the first time a willingness to advocate for the WPS Act before the SFRC.

Two months later, Boxer's SFRC subcommittee held a hearing titled "Combating Violence and Discrimination Against Women: A Global Call to Action."[47] The hearing was a tour de force of witnesses, featuring eight respected female US senators, the top officials on gender at the State Department and USAID, and several civil society activists.[48] During the hearing, both senior US officials highlighted the importance of the 2011 US NAP to their overall work.[49] But Jacqueline O'Neill, the director of Inclusive Security, took it a step further, saying, "The single most important policy tool that the US Government has to increase women's participation at peace talks is its National Action Plan on Women, Peace, and Security." She argued that progress on implementation was "much too slow" and suggested

44. Amnesty International, "ONLINE DIALOGUE/BLOG: Pull Up a Chair! Tell Congress You Want Women at the Peacemaking Table," PeaceWomen, July 31, 2013, at http://peacewomen.org/content/online-dialogueblog-pull-chair-tell-congress-you-want-women-peacemaking-table.

45. Peace and Security Funders Group, "2014 Annual Meeting Report: Connecting Local to Global," Peace and Security Funders Group, April 29, 2014, at https://static1.squarespace.com/static/521b8763e4b03dae28cd3e72/t/536aec3ce4b0bf4f5a834b64/1399516220254/PSFG+2014+Annual+Conf+Report-Back.pdf; "Annual Meeting," Peace and Security Funders Group, at https://peaceandsecurity.org/annual-conference.

46. "Hearing Before the Committee on Foreign Relations, United States Senate, One Hundred Thirteenth Congress Second Session, on National Security and Foreign Policy Priorities in the Fiscal Year 2015 International Affairs Budget" (U.S. Government Printing Office, April 8, 2014), 102, at https://www.govinfo.gov/content/pkg/CHRG-113shrg93615/pdf/CHRG-113shrg93615.pdf.

47. "Hearing Before the Subcommittee on International Operations and Organizations, Human Rights, Democracy, and Global Women's Issues of the Committee on Foreign Relations, United States Senate, One Hundred Thirteenth Congress Second Session, on Combating Violence and Discrimination Against Women: A Global Call to Action" (U.S. Government Printing Office, June 24, 2014), at https://www.govinfo.gov/content/pkg/CHRG-113shrg93138/pdf/CHRG-113shrg93138.pdf.

48. Allison Peters, "Inclusive Security to US Congress: Women's Inclusion Key to Combatting Violence Against Women," Inclusive Security, June 25, 2014, at https://www.inclusivesecurity.org/2014/06/25/inclusive-security-us-congress-womens-inclusion-key-combatting-violence-women/.

49. "Hearing Before the Subcommittee on International Operations and Organizations, Human Rights, Democracy, and Global Women's Issues of the Committee on Foreign Relations, United States Senate, One Hundred Thirteenth Congress Second Session, on Combating Violence and Discrimination Against Women: A Global Call to Action," 15, 19, at https://www.govinfo.gov/content/pkg/CHRG-113shrg93138/pdf/CHRG-113shrg93138.pdf.

that the best way Congress could help speed this was by passing the WPS Act.[50] While the hearing had ostensibly been about broader issues of gender inequality, it served as the first substantive Congressional action to consider the WPS Act.

Despite the lack of progress in advancing the bill to a vote, the House and Senate versions of the bill were now nearly identical, in contrast to the previous Congress, where they contained a handful of consequential differences. Moreover, the new legislative language contained important and substantive changes, including a 180-day requirement to develop and implement a NAP and more robust monitoring and evaluation plans than the previous version of the bill. However, the bill was weakened in several instances by reducing the scope of the NAP on US foreign assistance and watering down requirements from "should" to "shall" or "strongly encouraged to," thereby giving the administration more discretion in implementing them.

As the 113th Congress met for its final session on December 16, 2014, the chances for passage of the WPS Act appeared to be improving but were buffeted by the uncertainty of what a Republican-controlled Senate would mean for the bill's prospects in the next Congress. With Republicans winning back control of the Senate in the midterm elections, the SFRC chairmanship shifted from Senator Menendez to Senator Bob Corker of Tennessee, a former mayor of Chattanooga who was among the more moderate members on the committee. Nevertheless, the bill continued to enjoy the strong support of a large coalition of advocacy groups, some with large memberships and significant influence among Congressional staff and members, such as Amnesty International. Moreover, the House and Senate had appeared to coalesce around the bill's language—though in some ways that weakened the legislation's potential impact—but without Republican cosponsors in the House, the bill's passage still appeared to be an uphill battle.

114th Congress: First Passage

The meeting of the 114th Congress in January 2015 began with an important development for the fate of the WPS Act. After 30 years in Congress, Senator Boxer announced she would retire at the end of 2016. By the time of her retirement, after 18 years of service on the committee, she would become the longest-serving woman in the history of the SFRC.[51]

Within weeks of the new Congress, Boxer once against introduced the WPS Act in the Senate, alongside Senators Kirk, Shaheen, and a new cosponsor, Senator Bernie Sanders of Vermont. Knowing that the time to cement her legacy and pass any bills before her retirement was quickly approaching, Boxer introduced the bill early in the new Congress to give it the best chance at passage, but it once again was not coordinated with the House. The new bill, S.224, contained only a handful of minor revisions from the previous session's bill.

50. "Hearing Before the Subcommittee on International Operations and Organizations, Human Rights, Democracy, and Global Women's Issues of the Committee on Foreign Relations, United States Senate, One Hundred Thirteenth Congress Second Session, on Combating Violence and Discrimination Against Women: A Global Call to Action," 33, at https://www.govinfo.gov/content/pkg/CHRG-113shrg93138/pdf/CHRG-113shrg93138.pdf.

51. "Business Meetings of the Committee on Foreign Relations, United States Senate, One Hundred Fourteenth Session, January 4, 2016 to January 3, 2017," 107, at https://www.congress.gov/114/cprt/SPRT25478/CPRT-114SPRT25478.pdf.

As part of his new role as chairman of the SFRC, Senator Corker had renamed and reorganized the subcommittees, now combining geographic areas with functional issues.[52] In a small sign of progress on elevating gender issues within the SFRC, Corker had kept "Global Women's Issues" in Boxer's subcommittee name despite it originally having been added by a Democrat, then SFRC Chairman Kerry, in 2009.[53] Corker was known for being an institutionalist and for insisting that legislation that was within the SFRC's jurisdiction receive a vote in the committee before proceeding to the Senate floor. As a result, any path to passage for the WPS Act in the Senate would now have to run through Corker.

On the House side, it took over a year for the companion bill to be introduced. This was not a reflection of the bill's low priority in the House, but was indicative of a new strategy to gain its passage in the chamber. In the meantime, advocates continued to build momentum and push for action on the WPS Act.[54]

In March 2016, the HFAC held a hearing titled "Women Fighting for Peace: Lessons for Today's Conflicts." O'Neill, who had testified before Boxer's SFRC subcommittee the previous Congress, was called to testify about the lack of gender inclusion in peace agreements. Again, her key message to Congress was to "pass the bipartisan Women, Peace, and Security Act to codify the US National Action Plan on Women, Peace, and Security."[55] O'Neill argued that the bill would "help ensure that women's inclusion is a focus no matter who sits in the White House" and "enable Congress to exercise its oversight role and send a clear signal that this is a foreign policy priority."[56]

The fact that the committee had held a hearing on the topic was a significant breakthrough. The HFAC Chairman, Representative Ed Royce of California, was a moderate Republican from East Los Angeles. As a result of his moderate district and his own recognition of the importance of gender equality, he had pledged in July 2015 to hold a series of "hearings on the status of women around the world" to help build on the committee's work "on a bipartisan basis to promote women in our development efforts."[57] Prior to the March 2016 hearing, the committee had held only two hearings on gender-related issues: one on women's experience under ISIS and another on how technology could increase gender equality in international development.

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52. "Corker Announces Republican Membership and Chairmen of Senate Foreign Relations Subcommittees," U.S. Senate Committee on Foreign Relations, January 28, 2015, at https://www.foreign.senate.gov/press/chair/release/corker-announces-republican-membership-and-chairmen-of-senate-foreign-relations-subcommittees.

53. "Legislative Activities Report of the Committee on Foreign Relations, United States Senate, One Hundred Eleventh Congress, January 6, 2009 - December 22, 2010" (Washington, DC: U.S. Government Printing Office, March 31, 2011), at https://www.govinfo.gov/content/pkg/CRPT-112srpt10/html/CRPT-112srpt10.htm.

54. Allison Peters, "Time for Congress to Take the Lead on Inclusive Security," The Hill, March 21, 2016, at https://thehill.com/blogs/congress-blog/foreign-policy/273587-time-for-congress-to-take-the-lead-on-inclusive-security.

55. "Hearing Before the Committee on Foreign Affairs, United States House of Representatives, One Hundred Fourteenth Congress, Second Session, on Women Fighting for Peace: Lessons for Today's Conflicts" (U.S. Government Printing Office, March 22, 2016), 26, at https://www.govinfo.gov/content/pkg/CHRG-114hhrg99552/pdf/CHRG-114hhrg99552.pdf.

56. "Hearing Before the Committee on Foreign Affairs, United States House of Representatives, One Hundred Fourteenth Congress, Second Session, on Women Fighting for Peace: Lessons for Today's Conflicts," 26, at https://www.govinfo.gov/content/pkg/CHRG-114hhrg99552/pdf/CHRG-114hhrg99552.pdf.

57. "Hearing Before the Committee on Foreign Affairs, United States House of Representatives, One Hundred Fourteenth Congress, First Session, on Women Under ISIS Rule: From Brutality to Recruitment" (U.S. Government Printing Office, July 29, 2015), 1, at https://www.govinfo.gov/content/pkg/CHRG-114hhrg95695/pdf/CHRG-114hhrg95695.pdf.

In a statement for the hearing, Schakowsky, the lead sponsor of the WPS Act in the House, highlighted the Obama Administration's 2011 NAP but wrote that "the actions from the Administration are not enough." She announced that she planned "to introduce legislation to further support the meaningful inclusion of women in political and peace processes" and hoped "to gain the support of many members of this committee."[58] By the time the House version of the bill, H.R.5332, was introduced on May 25, 2016, Schakowsky had given up her role as the lead sponsor to Representative Kristi Noem of South Dakota, a rising conservative Republican who had served in the House since 2011. In her freshman year in the House, Noem was elected to a position in the House leadership, making her only the second woman in Republican leadership.[59] Upon its introduction, Noem stressed the bipartisan nature of the bill and the bill would ensure "women have a seat at the table during peace negotiations" through "meaningful congressional oversight."[60]

As a Tea Party stalwart, Noem was consistently conservative in her views and was largely unremarkable for her positions on foreign policy or women's rights. Unsurprisingly, her statement upon the bill's introduction did not mention that it would largely codify an Obama Administration initiative. Why she was chosen to take over as the cosponsor of the bill from Schakowsky remains unclear in the public record. However, on May 26, 2016, Trump secured enough delegates to officially secure the Republican nomination for president.[61] Earlier that month, Noem had tepidly endorsed Trump for president after previously backing Senator Marco Rubio of Florida.[62] Schakowsky and the other Democratic cosponsors had seemingly understood that to pass the WPS Act, it could no longer remain a Democrat-only bill in the House. As a result, Noem, despite not serving on any relevant committees to the bill, was seen as able to help shepherd the bill through the Republican-controlled legislative bodies because of her conservative bona fides.

By the time H.R.5332 was introduced in May 2016, it had also been substantially changed from its previous incarnation last Congress, going from a 27-page bill to a 14-page bill. Apparently, in the effort to secure Republican support, major sections of the bill had been cut and others had been redrafted. Despite removing all references to the Obama Administration's 2011 NAP, the Women, Peace, and Security Act of 2016 would require the administration to develop and implement a "Women, Peace, and Security Strategy" every five years until 2027, which largely mirrored the Obama Administration's NAP. The strategy required measurable goals and specific plans by government agencies to ensure implementation of the strategy. However, this version further weakened the bill's applicability and cut language endorsing the need for gender inclusivity across the US government.

58. Office of Congresswoman Jan Schakowsky, "Rep. Schakowsky Statement on The Role of Women in Conflict Resolution," Congresswoman Jan Schakowsky, March 22, 2016, at https://schakowsky.house.gov/media/press-releases/rep-schakowsky-statement-role-women-conflict-resolution.

59. Michael O'Brien, "House GOP Elects Freshmen Reps. Noem, Scott to Leadership," The Hill, November 17, 2010, at https://thehill.com/blogs/blog-briefing-room/news/129773-house-gop-elects-freshmen-reps-noem-scott-to-leadership.

60. Ripon Advance News Service, "Noem Introduces Bill That Would Ensure Women Play Active Roles in Peace Talks," *Ripon Advance* (blog), June 1, 2016, at https://riponadvance.com/stories/noem-introduces-bill-ensure-women-play-active-roles-peace-talks/.

61. Ashley Parker and Alan Rappeport, "Donald Trump Has Delegate Majority for Republican Nomination, The A.P. Says," *New York Times*, May 26, 2016, at https://www.nytimes.com/2016/05/27/us/politics/donald-trump-republican-nomination.html.

62. Mark Russo, "Rounds and Noem React to Trump Train," KELO Newstalk, May 4, 2016, at https://kelo.com/news/articles/2016/may/04/rounds-and-noem-react-to-trump-train/.

Overall, though, the bill continued to fulfill the authors' original intent to require the US government to implement a coordinated government plan on women's inclusion in peace and security processes in line with UNSCR 1325, whether it was codifying the Obama Administration's exact NAP or allowing each administration to develop its own version.

These changes had brought in support from a number of influential representatives. The bill began with parity between Democrats and Republicans as cosponsors, a process by which one Democrat is added as a cosponsor when there is a corresponding Republican who wishes to cosponsor a bill. Such a method is used to keep a bill that might be considered controversial as bipartisan as possible by ensuring an equal number of members of each party are cosponsoring it. Noem and Schakowsky likely chose the parity strategy to entice Republicans to cosponsor the bill without having to fear being completely outnumbered by Democrats. Their plan worked well, bringing on seven Republicans and a corresponding seven Democrats by July 2016.[63] Most important among these were the Chairman and Ranking Member of the HFAC, Representatives Royce and Eliot Engel of New York, respectively, who would be instrumental in passing the bill out of the HFAC and ensuring it received a vote before the full House.

In June 2016, they did just that, bringing the bill before the HFAC for a vote. Seemingly anticipating the potential for Republican opposition to a bill that embraced the Obama Administration's NAP, Royce clarified "that the bill before us does not set [the Obama Administration NAP] into law. Rather, the bill identifies the many bipartisan points of consensus around this issue and sets specific goals, specific benchmarks, for women's participation along with oversight from Congress to gauge progress."[64] In contrast to this distancing from the NAP, Schakowsky wrote in a statement to members of the HFAC that the bill would "build upon the U.S. National Action Plan on Women, Peace, and Security that was enacted by executive order in December 2011."[65] Regardless of the different political messaging each side signaled, the bill earned the support of Royce and Engel, the top Republican and Democrat on the committee, as well as vocal support from other members of the committee.[66]

During the vote two amendments to the bill were adopted, which slightly weakened the bill further, and then the bill itself was voted out of the committee on a voice vote, a measure typically used for uncontroversial legislation because it does not record each member's vote. The fact that no member of the committee requested a recorded vote indicated that the legislation had overcome obstacles among Republicans, particularly because none felt the need to go on record as opposing the bill for fear of political consequences. While the bill had suffered a number of changes that had weakened its provisions and scope, the core re-

63. Kristi L. Noem, "Cosponsors - H.R.5332 - 114th Congress (2015-2016): Women, Peace, and Security Act of 2016," Congress.gov, November 16, 2016, 2015/2016, at https://www.congress.gov/bill/114th-congress/house-bill/5332/cosponsors.

64. "Markup Before the Committee on Foreign Affairs, United States House of Representatives, One Hundred Fourteenth Congress, Second Session, on H.R. 5484, H.R. 5208 and H.R.5332" (U.S. Government Printing Office, June 16, 2016), 64, at https://www.govinfo.gov/content/pkg/CHRG-114hhrg20456/pdf/CHRG-114hhrg20456.pdf.

65. Office of Congresswoman Jan Schakowsky, "Schakowsky Statement to Foreign Affairs Committee on Women, Peace and Security Act," Congresswoman Jan Schakowsky, June 16, 2016, at https://schakowsky.house.gov/media/press-releases/schakowsky-statement-foreign-affairs-committee-women-peace-and-security-act.

66. "Markup Before the Committee on Foreign Affairs, United States House of Representatives, One Hundred Fourteenth Congress, Second Session, on H.R. 5484, H.R. 5208 and H.R.5332," at https://www.govinfo.gov/content/pkg/CHRG-114hhrg20456/pdf/CHRG-114hhrg20456.pdf.

quirement for future administrations to develop and implement an interagency plan in line with UNSCR 1325. Moreover, the HFAC vote marked the first time the bill had received a vote in Congress since its introduction four years earlier.

The context in which the vote had been held was beginning to have a greater effect on the bill's prospects than perhaps had been anticipated at the beginning of the Congress. That same month, the Obama Administration released an updated NAP for 2016-2018 that included considerations of sexual minorities, climate change, and countering violent extremism, among other changes.[67] It demonstrated that the administration was still committed to the WPS agenda and also served as an attempt to institutionalize the NAP by stating that the National Security Council would "coordinate the second comprehensive review" in 2018, a year after the Obama Administration would be out of office.[68] But because the NAP had been implemented by executive order, an administration unfriendly to the WPS agenda could easily repeal the executive order and end the government's effort to integrate gender considerations into peace and security processes.

Advocates for the legislation also clearly picked up on the prospect of a Trump Administration ending the executive order and began to emphasize that the current NAP was subject to being ended by executive order. Ahead of the 2016 US Presidential election, Inclusive Security released a report on WPS policy recommendations for the new administration. The report called on Congress to pass the WPS Act, noting that codifying the NAP or a similar strategy would help ensure its continued priority in future administrations: "Because it was launched by Executive Order, however, the US Plan risks being repealed or diminished by future presidents. To protect against this, the 'Women, Peace, and Security Act' has been introduced with bipartisan support" and "would codify a WPS national strategy into law, and strengthen the ability of Congress to exercise its oversight role."[69]

On November 8, 2016, a political earthquake shook the world. Defying polling that seemed to show former Secretary of State Hillary Clinton in a commanding lead, Trump won the election and began the important process of transition by selecting nominees to fill cabinet positions and developing policies for the new administration. Less than two weeks after the election, Noem announced that the upcoming session of Congress would be her last, opting instead to run to become the first woman governor of South Dakota in 2018.[70]

For Democrats, the election had been an absolute shock. Especially for those supporters of the WPS Act, Trump's views seemed antithetical to the WPS Act, given his long history of misogynistic comments and desire to distance himself from anything that Clinton or Obama had seemed to support.[71] As the lead implementer of the Obama Administration's 2011 NAP, Clinton's affiliation with women and gender issues at the State Department was

67. Joana Cook, *A Woman's Place: US Counterterrorism Since 9/11* (New York: Oxford University Press, 2020), 124–25.

68. "The United States National Action Plan on Women, Peace, and Security" (The White House, June 2016), at https://www.usip.org/sites/default/files/US-NAP-June-2016.pdf.

69. Allison Peters, Angelic Young, and Olivia Holt-Ivry, "Progress Toward Inclusive Security: Recommendations for the New Administration," Inclusive Security, October 2016, at https://www.inclusivesecurity.org/publication/recommendations-for-the-new-administration/.

70. Lisa Hagen, "South Dakota Rep. Launches Gubernatorial Bid," The Hill, November 14, 2016, at https://thehill.com/homenews/house/306001-south-dakota-rep-launches-gubernatorial-bid.

71. Jeva Lange, "61 Things Donald Trump Has Said about Women," The Week, October 16, 2018, at https://theweek.com/articles/655770/61-things-donald-trump-said-about-women.

well known. It became clear that the small window between the November 2016 election and the Trump Administration taking power in January 2017 was likely the bill's best chance at passage and signature into law given the Obama Administration's clear support for the WPS agenda.

After laying idle in the House since its passage out of HFAC in June, the bill's supporters sprang into action around the time of the election. Since the bill had been referred to the HFAC and the House Armed Services Committee (HASC), it normally would have had to pass out of the HASC as well and then likely go to the House Rules Committee to set it up for a vote. Either of these committees could derail the legislation by stripping out key provisions or allowing amendments by any member on the floor, which could wreak havoc on the bill as written. Thus, Representative Royce made an effort to short-circuit this process by appealing to his fellow Republican chairman of the HASC, Representative William M. "Mac" Thornberry of Texas, to waive his committee's jurisdiction over the bill. On November 3, 2016, Thornberry wrote to Royce that "although there are certain provisions in the bill that fall within the … jurisdiction of the Committee on Armed Services, the committee will forgo action on this bill in order to expedite this legislation for floor consideration."[72]

This critical concession by Thornberry allowed Royce to work with the House Republican leadership to place the WPS Act on the House suspension calendar, a special mechanism to pass relatively uncontroversial bills without taking up a significant amount of floor time. Royce managed to get the House Republican leadership to place the WPS Act on the suspension calendar for the second day back in session after the election, Tuesday, November 15, 2016.[73]

At 12:41p.m., Royce took to the microphone on the House floor and declared, "Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5332) to ensure that the United States promotes the meaningful participation of women in mediation and negotiations processes seeking to prevent, mitigate, or resolve violent conflict, as amended."[74] Royce, Engel, Noem, and Schakowsky all spoke, urging their colleagues to support the bill. All of them alluded to the fact that Trump's election had altered the calculation of the bill's sponsors, although Engel made the clearest indication, remarking, "I think making this strategy permanent is absolutely imperative. After all, even though the administration and bipartisan leadership in Congress have seen the value of this approach, we have no idea how future administrations and Presidents and Congresses will view women or if they will fully appreciate how women's participation can make our foreign policies stronger."[75]

72. "WOMEN, PEACE, AND SECURITY ACT OF 2016; Congressional Record Vol. 162, No. 163 (House of Representatives - November 15, 2016)," Congress.gov, November 15, 2016, H6191, 2016/11/15, at https://www.congress.gov/114/crec/2016/11/15/CREC-2016-11-15-pt1-PgH6189.pdf.

73. "Weekly Schedule," The Republican Cloakroom, November 14, 2016, at https://repcloakroom.house.gov/news/documentsingle.aspx?DocumentID=395762.

74. "WOMEN, PEACE, AND SECURITY ACT OF 2016; Congressional Record Vol. 162, No. 163 (House of Representatives - November 15, 2016)," H6189–91, at https://www.congress.gov/114/crec/2016/11/15/CREC-2016-11-15-pt1-PgH6189.pdf.

75. "WOMEN, PEACE, AND SECURITY ACT OF 2016; Congressional Record Vol. 162, No. 163 (House of Representatives - November 15, 2016)," H6191, at https://www.congress.gov/114/crec/2016/11/15/CREC-2016-11-15-pt1-PgH6189.pdf.

With the conclusion of the remarks by the four sponsors of the bill, at 12:59 p.m., H.R.5332, the Women, Peace, and Security Act of 2016, was adopted by the House of Representatives on a voice vote. Gender-equality advocates were elated by the vote but recognized that it still had a tough climb to enactment.[76] Megan Amundson, Executive Director for Women's Action for New Directions (WAND), highlighted that the "bill was passed in a bipartisan effort—a unique accomplishment in a time of partisan polarization and in the face of the President-elect's clear disrespect for women. It gave us hope that Congress would step up where the Trump administration was sure to fall down."[77] Moreover, Jamille Bigio, a Senior Fellow for Women and Foreign Policy at the Council on Foreign Relations, called the passage "a historic step" but cautioned that it was "now up to the Senate to help make the Women, Peace, and Security Act into law" and that "[u]rgent action is required if the bill is to pass during this session."[78]

As Bigio alluded, all eyes now turned to the Senate in an attempt to quickly pass the House version of the bill and send it to Obama to sign before the end of the Congressional session on January 3, 2017. While the bill had been officially sent over to the Senate for consideration the day following the House vote, discussions to pass the bill in the Senate had apparently been underway for some time.[79] The bill would likely have to pass out of the SFRC to receive a vote before the full Senate because Chairman Corker was known to keep tight control over bills within his committee's jurisdiction and rarely allowed them to proceed to the floor without a vote in the committee.

Although the SFRC went on to hold two additional hearings, neither of them touched on the WPS agenda or gender equality. Most critically, the committee held one final business meeting to amend and pass legislation out of the committee on December 6, 2016.[80] Why the WPS Act was not included on that list remains a mystery from the public record. There were, apparently, "some procedural concerns about the legislation," and despite Corker having received calls from former President Jimmy Carter and Representative Noem urging him to take up the bill, he chose not to bring it to a vote.[81] He later said he wanted to "see what the impact of" the Obama Administration's 2011 NAP had been before proceeding with the bill.[82]

At the final SFRC committee meeting of the Congress, Boxer spoke about her time on

76. Allison Peters, "US House Passes Bipartisan Women, Peace, and Security Act," Inclusive Security, November 15, 2016, at https://www.inclusivesecurity.org/2016/11/15/us-house-passes-bipartisan-women-peace-security-act/.

77. Megan Amundson, "Trump's Anti-Woman Rhetoric Turns Into Anti-Woman Action," Medium, December 23, 2016, at https://medium.com/@MeganAmundson/trumps-anti-woman-rhetoric-turns-into-anti-woman-action-44c347e6bd5e.

78. Jamille Bigio, "U.S. House of Representatives: Women's Participation in Peace and Security Is Critical," Council on Foreign Relations, November 22, 2016, at https://www.cfr.org/blog/us-house-representatives-womens-participation-peace-and-security-critical.

79. Ibid.

80. "Business Meetings of the Committee on Foreign Relations, United States Senate, One Hundred Fourteenth Session, January 4, 2016 to January 3, 2017," X, at https://www.congress.gov/114/cprt/SPRT25478/CPRT-114SPRT25478.pdf.

81. "Business Meetings of the Committee on Foreign Relations, United States Senate, One Hundred Fourteenth Session, January 4, 2016 to January 3, 2017," 120–21, at https://www.congress.gov/114/cprt/SPRT25478/CPRT-114SPRT25478.pdf.

82. "Business Meetings of the Committee on Foreign Relations, United States Senate, One Hundred Fourteenth Session, January 4, 2016 to January 3, 2017," 121, at https://www.congress.gov/114/cprt/SPRT25478/CPRT-114SPRT25478.pdf.

the committee, noting that a highlight had been the creation of "the first-ever subcommittee that dealt with women's issues all over the globe." She also spoke about handing off the committee to Senator Shaheen, the only woman remaining on the committee, remarking, "[I]t is not as if only a woman would carry these issues, but it is a reminder to everyone that we do see the world through a slightly different lens."[83] Boxer concluded by expressing her frustration at the committee's inability to pass the WPS Act at the meeting, but Chairman Corker pledged that the committee would "get it done."[84] Later in the business meeting, Shaheen, taking up Boxer's mantle, brought up the WPS Act once again, adding, "This is legislation that the House passed just recently without debate. … I just want to put everybody on the committee on notice that this is not going away just because Senator Boxer is not going to be here. I think this is legislation that is important for us to pass. It sends an important message to women in countries around the world that they need to be at the table as we are deciding their fate."[85]

Despite the collegiality among Corker, Boxer, and Shaheen, the SFRC's decision not to take up H.R.5332 doomed its chances of passage in the Senate during the 114th Congress. At an event at the Council on Foreign Relations the following day, attendees lamented the Senate's failure to pass the bill but remained hopeful it would be considered in the following session.[86] Such an attitude seemed to reflect the sentiment of the larger WPS advocacy community. Although the bill seemed assured a signature by President Obama, there was still much doubt over the Trump Administration's views towards WPS.

Women's rights advocates were alarmed when it was reported that the Trump transition team had requested all information on programs to "promote gender equality, such as ending gender-based violence, promoting women's participation in economic and political spheres, entrepreneurship, etc." from the State Department.[87] *Washington Post* columnist Josh Rogin wrote, "The fact that the Trump staffers are rushing to figure out what resources are being spent on women's issues is likely a sign that they plan to reduce funding and attention to these programs. That could affect not only the State Department personnel who work on those issues, but also millions of women and girls around the world."[88]

With the end of the 114th Congress, the prospects for the WPS Act appeared to finally be on a positive glide slope. By passing the House and having a companion bill in the Senate, the WPS Act had come close to reaching the president's desk. With Republicans main-

83. "Business Meetings of the Committee on Foreign Relations, United States Senate, One Hundred Fourteenth Session, January 4, 2016 to January 3, 2017," 108–9, at https://www.congress.gov/114/cprt/SPRT25478/CPRT-114SPRT25478.pdf.

84. "Business Meetings of the Committee on Foreign Relations, United States Senate, One Hundred Fourteenth Session, January 4, 2016 to January 3, 2017," 109, at https://www.congress.gov/114/cprt/SPRT25478/CPRT-114SPRT25478.pdf.

85. "Business Meetings of the Committee on Foreign Relations, United States Senate, One Hundred Fourteenth Session, January 4, 2016 to January 3, 2017," 120–21, at https://www.congress.gov/114/cprt/SPRT25478/CPRT-114SPRT25478.pdf.

86. "How Women's Participation in Conflict Prevention and Resolution Advances Security Interests," Council on Foreign Relations, December 7, 2016, at https://www.cfr.org/event/how-womens-participation-conflict-prevention-and-resolution-advances-security-interests.

87. Josh Rogin, "Trump Team Asked State Department for Info on Women's Issues Programs, Sparking Fears of Another Witch Hunt," *Washington Post*, December 22, 2016, at https://www.washingtonpost.com/news/josh-rogin/wp/2016/12/22/trump-team-asked-state-department-for-info-on-womens-issues-programs-stoking-fears-of-another-witch-hunt/.

88. Ibid.

taining control of both the House and the Senate, there would be few leadership changes in either chamber that would affect the bill in the next Congress. Moreover, Corker and Shaheen had committed to getting the bill passed out of SFRC and Noem had a strong political incentive to push for the bill's passage because it would mark her second sponsored bill to be signed into law— something to highlight in her upcoming campaign for governor of South Dakota.[89]

Nevertheless, Trump and his administration's views on the WPS agenda generally and the WPS Act specifically were far from clear and the request for information from the State Department seemed to indicate that the administration would take a far more skeptical view of the issue than the Obama Administration. Now, even if both chambers of Congress were to pass the bill, whether Trump would sign it remained an open question.

115th Congress: Final Passage

Recognizing that its passage would hinge on Republican support given their majority in the Senate, Shaheen's first order of business was to build bipartisan support in the Senate. She eventually settled on Senator Shelley Moore Capito of West Virginia, who in 2014 became the first woman elected to the Senate from the state.[90] In the Senate she was known as a moderate in the Republican caucus and like Shaheen was seen as a serious, no-nonsense legislator respected by her colleagues. Though she had not been particularly involved in foreign policy issues, WPS advocates had met with her to discuss the WPS Act as early as October 2015.[91] On May 16, 2017, Shaheen and Capito introduced S.1141, the Women, Peace, and Security Act of 2017.[92]

In the House, Representatives Noem and Schakowsky reintroduced the House version of the WPS Act, H.R.2484, the following day alongside Royce and Engel of the HFAC.[93] Likely because of the bill's passage in the House during the previous session, Noem and Schakowsky were less concerned about the politics and needing to appeal to Republicans, so the cosponsors were not added in pairs of one Republican and one Democrat as they had been done the previous Congress. Instead, the bill seemed to gain steam among Republicans with the final cosponsors tilting 11 Republicans and 5 Democrats.

Critically, the lead sponsors in the House and Senate had come to agreement on the legislative language of the bill. The different language between the bills in the two chambers during the previous Congress potentially had affected the SFRC's decision not to take up

89. Kristi L. Noem, "H.R.291 - 113th Congress (2013-2014): Black Hills Cemetery Act," Congress.gov, July 25, 2014, 2013/2014, at https://www.congress.gov/bill/113th-congress/house-bill/291.

90. Paige Lavender, "West Virginia Senate Election Results: Shelley Moore Capito Is State's First Female Senator," HuffPost, November 4, 2014, at https://www.huffpost.com/entry/west-virginia-senate-election-results_n_5830642.

91. "Celebrating the Bipartisan Women, Peace, and Security Act," Women's Action for New Directions (WAND), October 10, 2017, at https://www.wand.org/post/2018/01/23/celebrating-the-bipartisan-women-peace-and-security-act.

92. Jeanne Shaheen, "S.1141 - 115th Congress (2017-2018): Women, Peace, and Security Act of 2017," Congress.gov, October 6, 2017, 2017/2018, at https://www.congress.gov/bill/115th-congress/senate-bill/1141.

93. Kristi L. Noem, "H.R.2484 - 115th Congress (2017-2018): Women, Peace, and Security Act of 2017," webpage, Congress.gov, June 21, 2017, 2017/2018, at https://www.congress.gov/bill/115th-congress/house-bill/2484.

the bill for a vote. Although the new bill made a handful of changes that weakened the bill, the lead sponsors made a key change to strengthen the bill by requiring a new WPS strategy every four years instead of only three five-year strategies as the previous version had required. Overall, the change for a new strategy every four years in perpetuity arguably outweighed the minor weakening of the bill.

On May 25, 2017, the HFAC under Royce and Engel's leadership held a committee meeting to mark up the legislation and pass it out of committee. Democrats and Republicans from across the political spectrum who previously had not been cosponsors of the bill voiced their support for the bill during the meeting.[94] It was a remarkable testament to the work that the bill's sponsors and advocates had done to garner support. In the end, the WPS Act passed the committee on the voice vote and without amendment, signaling that it had achieved consensus on both sides of the aisle and should face few obstacles to passage in the House.

In the Senate, the bill's supporters also moved quickly after introduction, indicating that whatever issues SFRC Chairman Corker had had with the legislation during the previous Congress had been sorted out. The SFRC held a markup of the bill on the same day as the HFAC. At the meeting, the committee's ranking member, Senator Ben Cardin of Maryland, thanked "Senator Shaheen for her patience, tenacity, leadership, and aggressiveness in getting this before our committee."[95] Shaheen then spoke, thanking Corker for fulfilling his commitment to taking the bill up for a vote and crediting Boxer for being "the driving force behind this for so many years."[96] With those jovial speeches complete, the committee took up the bill by voice vote and with a "chorus of ayes," agreed to the legislation.[97] The bill was placed on the Senate Legislative Calendar two weeks later, setting it up for a vote by the Senate for the first time.[98]

However, the House moved even more swiftly than the Senate, teeing up a vote by the full House on June 20, 2017. HFAC Chairman Royce had once again convinced the Republican leadership to place the WPS Act on the suspension calendar and had gotten the HASC to waive its jurisdiction of the bill, meaning it was all but destined for passage.[99] At 5:50 p.m., Royce moved to suspend the rules and gave a long speech extolling the members of Congress and advocates who had pushed for the bill for years. He recounted stories of

94. "Markup Before the Committee on Foreign Affairs, United States House of Representatives, One Hundred Fifteenth Congress, First Session, on S. 371, H.R. 2484, H. Res. 351, H. Res. 354 and H. Res. 355" (U.S. Government Printing Office, May 25, 2017), at https://www.govinfo.gov/content/pkg/CHRG-115hhrg25557/pdf/CHRG-115hhrg25557.pdf.

95. "Business Meetings of the Committee on Foreign Relations, United States Senate, One Hundred Fifteenth Congress, First Session, January 3, 2017 to January 3, 2018" (U.S. Government Printing Office, January 3, 2018), 106, at https://www.congress.gov/115/cprt/SPRT31321/CPRT-115SPRT31321.pdf.

96. "Business Meetings of the Committee on Foreign Relations, United States Senate, One Hundred Fifteenth Congress, First Session, January 3, 2017 to January 3, 2018," 106, at https://www.congress.gov/115/cprt/SPRT31321/CPRT-115SPRT31321.pdf.

97. "Business Meetings of the Committee on Foreign Relations, United States Senate, One Hundred Fifteenth Congress, First Session, January 3, 2017 to January 3, 2018," 107, at https://www.congress.gov/115/cprt/SPRT31321/CPRT-115SPRT31321.pdf.

98. Jeanne Shaheen, "Actions - S.1141 - 115th Congress (2017-2018): Women, Peace, and Security Act of 2017," Congress.gov, October 6, 2017, 2017/2018, at https://www.congress.gov/bill/115th-congress/senate-bill/1141/all-actions.

99. "Weekly Schedule," The Republican Cloakroom, June 19, 2017, at https://repcloakroom.house.gov/news/documentsingle.aspx?DocumentID=396120.

women peacemakers in Afghanistan, Northern Ireland, and elsewhere as examples of the types of impact the bill could have.[100]

Representative Noem later gave a clear argument for why "involving women in conflict prevention and resolution" was an important national security issue for the US government.[101] She was followed by Representative Schakowsky, who thanked "the many advocacy groups who have been persistent throughout these years in bringing it to us, the evidence of the success of women when women participate in the peace process."[102] Some of the most liberal to the most conservative members also spoke in support of the bill.[103] Exactly 20 minutes after debate had commenced, H.R.2484, the Women, Peace, and Security Act of 2017, was passed by the House of Representatives and was sent to the Senate the following day and placed on the Senate Legislative Calendar.[104]

With both the Senate and House versions pending before the full Senate, the Senate chose to take up its version, S.1141, on August 3, 2017, rather than the House-passed version, despite the language being identical. Why this decision was made is unclear, as it would force the House to then take up the Senate version, further delaying its passage. On August 3, 2017, the bill was brought up by Senator Lisa Murkowski of Alaska and passed without a single word of support.[105] Although Shaheen and Capito put out a press release the following day, for a bill so long in the making and with such passionate champions to receive no fanfare upon its passage was striking.[106]

With the S.1141's passage, the Senate version was now forwarded back to the House for full consideration and passage. For the third time since the previous November, on September 25, 2017, the full House took up the WPS Act.[107] The process was once again led by Chairman Royce who summed up the momentousness of the day, "I am happy to say that,

100. "WOMEN, PEACE, AND SECURITY ACT OF 2017; Congressional Record Vol. 163, No. 105 (House of Representatives - June 20, 2017)," Congress.gov, June 20, 2017, H4972, 2017/06/20, at https://www.congress.gov/115/crec/2017/06/20/CREC-2017-06-20-pt1-PgH4970.pdf.

101. "WOMEN, PEACE, AND SECURITY ACT OF 2017; Congressional Record Vol. 163, No. 105 (House of Representatives - June 20, 2017)," H4973, at https://www.congress.gov/115/crec/2017/06/20/CREC-2017-06-20-pt1-PgH4970.pdf.

102. "WOMEN, PEACE, AND SECURITY ACT OF 2017; Congressional Record Vol. 163, No. 105 (House of Representatives - June 20, 2017)," H4974, at https://www.congress.gov/115/crec/2017/06/20/CREC-2017-06-20-pt1-PgH4970.pdf.

103. "WOMEN, PEACE, AND SECURITY ACT OF 2017; Congressional Record Vol. 163, No. 105 (House of Representatives - June 20, 2017)," H4974, at https://www.congress.gov/115/crec/2017/06/20/CREC-2017-06-20-pt1-PgH4970.pdf.

104. Kristi L. Noem, "Actions - H.R.2484 - 115th Congress (2017-2018): Women, Peace, and Security Act of 2017," Congress.gov, June 21, 2017, 2017/2018, at https://www.congress.gov/bill/115th-congress/house-bill/2484/all-actions.

105. "WOMEN, PEACE, AND SECURITY ACT OF 2017; Congressional Record Vol. 163, No. 132 (Senate - August 03, 2017)," Congress.gov, August 3, 2017, 2017/08/03, at https://www.congress.gov/115/crec/2017/08/03/CREC-2017-08-03-pt1-PgS4889-2.pdf.

106. Office of U.S. Senator Jeanne Shaheen, "Shaheen & Capito's Bipartisan Legislation Passes the Senate That Promotes Women's Participation in Conflict Resolution and Peacebuilding | U.S. Senator Jeanne Shaheen of New Hampshire," U.S. Senator Jeanne Shaheen, August 4, 2017, at https://www.shaheen.senate.gov/news/press/shaheen-and-capitos-bipartisan-legislation-passes-the-senate-that-promotes-womens-participation-in-conflict-resolution-and-peacebuilding.

107. Shaheen, "Actions - S.1141 - 115th Congress (2017-2018)," at https://www.congress.gov/bill/115th-congress/senate-bill/1141/all-actions.

with House passage today, this legislation will go to the President's desk. … [T]his moment is really a culmination of years of bipartisan work by Members of Congress, including Jan Schakowsky and Kristi Noem. It is also the work of prior and current administration officials and the many advocates who want to see better, more sustainable solutions to ending wars, to combating terrorism, and to improving human rights around the world. What we are saying today is that women's participation is essential to confronting these fundamental challenges."[108]

Ranking Member Engel aired Democrats' concerns over the Trump Administration's policies and the unspoken understanding that the WPS Act would help enshrine aspects of the Obama Administration's NAP into law. Engel stated, "Now, we have been working a few years to get this legislation across the finish line, and, frankly, I don't think we can wait another moment. The administration's … current redesign effort at the State Department might strip out initiatives like Women, Peace, and Security."[109] Engel said out loud what it appeared many of the bill's sponsors and advocates had been thinking: the WPS Act was needed because it seemed likely the Trump Administration would do away with or ignore the Obama Administration's executive order on WPS.

The bill was passed on a voice vote in the House, marking the end of its five-year long journey in Congress.[110] Senators Shaheen and Capito put out a press release highlighting the bill's passage[111] and on September 28, 2017, Royce and Noem attended a ceremonial enrolling of the bill with House Speaker Paul Ryan.[112] Other than the bill's sponsors, however, few advocacy groups seemed to be celebrating. After all, the bill still required the president's signature, which seemed far from a given. Months into his term, Trump's views on gender and women's rights remained concerning to advocates. Although the Trump campaign had unveiled a childcare plan to guarantee six weeks of paid maternity leave, analysts noted that it was a "striking departure from GOP orthodoxy."[113] The plan had reportedly been the brainchild of Trump's daughter Ivanka, who would later became an advisor to her father in the White House. With Ivanka standing behind him, Trump had uncharacteristically unveiled the detailed policy platform in a teleprompter-delivered speech in September 2016.[114] The speech and unveiling foreshadowed Trump's unorthodox policymaking and the influence that his family members would have, with Ivanka and her husband Jared Kushner

108. "WOMEN, PEACE, AND SECURITY ACT OF 2017; Congressional Record Vol. 163, No. 153 (House of Representatives - September 25, 2017)," Congress.gov, September 25, 2017, H7448, 2017/09/25, at https://www.congress.gov/115/crec/2017/09/25/CREC-2017-09-25-pt1-PgH7446.pdf.

109. "WOMEN, PEACE, AND SECURITY ACT OF 2017; Congressional Record Vol. 163, No. 153 (House of Representatives - September 25, 2017)," H7449.

110. Shaheen, "Actions - S.1141 - 115th Congress (2017-2018)," at https://www.congress.gov/bill/115th-congress/senate-bill/1141/all-actions.

111. Office of U.S. Senator Shelley Moore Capito, "Capito Legislation to Promote Women's Participation in Conflict Resolution and Peacekeeping Heads to President's Desk," U.S. Senator Shelley Moore Capito, September 26, 2017, at https://www.capito.senate.gov/news/press-releases/capito-legislation-to-promote-womens-participation-in-conflict-resolution-and-peacekeeping-heads-to-presidents-desk.

112. House Foreign Affairs Committee Republicans, "Chairman Ed Royce Joined Rep. Kristi Noem Today for Speaker Paul Ryan's Signing of the Women, Peace, and Security Act.," Facebook.com, September 28, 2017, at https://www.facebook.com/HouseForeign/posts/2075415915817296.

113. Sean Sullivan and Robert Costa, "Donald Trump Unveils Child-Care Policy Influenced by Ivanka Trump," *Washington Post*, September 13, 2016, at https://www.washingtonpost.com/news/post-politics/wp/2016/09/13/donald-trump-joined-by-ivanka-trump-to-outline-child-care-policy/.

114. Sullivan and Costa, at https://www.washingtonpost.com/news/post-politics/wp/2016/09/13/donald-trump-joined-by-ivanka-trump-to-outline-child-care-policy/.

as trusted advisors. Indeed, Ivanka became the campaign's brain trust on gender issues.[115] Moreover, it suggested that Trump was willing to defy his own party over policies that were seen as important to his daughter and son-in-law.

In other ways, though, Trump's policies on women's rights seemed to be aimed at pleasing his evangelical base. Three days after his inauguration, Trump reinstated the Mexico City Policy, known to opponents as the global gag rule, which required NGOs receiving US foreign assistance to certify that they do not provide or counsel patients about abortion services. However, the Trump Administration went further than previous administrations by applying the order to all US global health assistance rather than simply family planning funding.[116] This move along with one cutting US funding for the UN Population Fund, which works on sexual and reproductive health, were seen as upholding Trump's anti-abortion pledges during the campaign.[117] As a result, it remained unclear whether he would support legislation that would increase the integration of women into peace and security decision-making.

Following Trump's inauguration in January 2017, Ivanka continued to focus on women's empowerment and gender-equality issues.[118] Another issue that overlapped with the SFRC's jurisdiction was human trafficking, an issue close to Senator Corker's heart. Ivanka and Corker reportedly met several times in 2017 as she worked to increase the administration's focus on the issue and sought Corker's assistance.[119] It became clear that Ivanka saw her role in the administration as the face of gender-related issues, especially internationally, which was perhaps less politically controversial in the Republican party than gender equity within the US.

In the days following the House's final passage the WPS Act, advocates seized on the moment to convince the administration to sign the bill. One wrote an op-ed for *USA Today* exclaiming that "Trump can make feminist history by signing this bill."[120] Whatever influence such appeals by advocacy groups may have had on the White House, they likely had less of an impact than the relationship between Corker and Ivanka and her interest in promoting women's empowerment within the administration.

On October 6, 2017, the White House released a statement that President Trump had signed four pieces of legislation into law, including S.1141, the Women, Peace, and Security

115. Jeremy Diamond, "Ivanka Trump on Donald: 'Look, My Father Is Very Blunt,'" CNN, October 15, 2015, at https://www.cnn.com/2015/10/14/politics/ivanka-trump-donald-trump-defense/index.html.

116. "Trump's 'Mexico City Policy' or 'Global Gag Rule,'" Human Rights Watch, February 14, 2018, at https://www.hrw.org/news/2018/02/14/trumps-mexico-city-policy-or-global-gag-rule.

117. Carol Morello, "Trump Administration to Eliminate Its Funding for U.N. Population Fund over Abortion," *Washington Post*, April 4, 2017, sec. National Security, at https://www.washingtonpost.com/world/national-security/trump-administration-to-eliminate-its-funding-for-un-population-fund-over-abortion/2017/04/04/d8014bc0-1936-11e7-bcc2-7d1a0973e7b2_story.html.

118. Ivanka Trump and Jim Yong Kim, "Ivanka Trump: Investment in Women Unleashes Global Gains," Financial Times, April 24, 2017, at https://www.ft.com/content/4d028aae-28f2-11e7-bc4b-5528796fe35c.

119. Elizabeth Dias, "Here's One Thing Bob Corker Thinks the Trump Administration Is Doing Right," *Time*, October 25, 2017, at https://time.com/4997011/bob-corker-human-trafficking-ivanka-trump-rex-tillerson/.

120. Allison Peters, "Women, Peace and Security: Trump Can Make Feminist History by Signing This Bill," USA TODAY, October 3, 2017, at https://www.usatoday.com/story/opinion/2017/10/03/women-vital-peace-security-and-stability-allison-peters-column/723706001/.

Act of 2017.[121] The bill's signature into law was done without a signing ceremony, an event often used to bring attention to a bill and issue. Although the exact decision-making surrounding the president's signature remains opaque, Ivanka and Corker's strong relationship seemed to have an influence. She would later attend several SFRC business meetings and roundtables with Corker on various women's empowerment-related legislation and issues, and help broker a cold peace between Corker and her father after they publicly feuded on several occasions.[122] Moreover, the lack of signing ceremony clearly indicated the issue was not seen by President Trump as a winning political issue and worth the time and effort to hold publicly. Thus, the bill's signature, despite a lack of presidential interest or support for the issue, suggested that Ivanka had played a role in convincing her father to sign the bill into law.

The Trump Administration would later come to highlight the WPS Act as part of the administration's work on gender equality, proudly proclaiming, "President Trump was the first to sign standalone legislation on this topic, making us the first country in the world with a comprehensive law on Women, Peace, and Security."[123] Similarly, Ivanka became the administration's face on the issue, helping to publicly roll out the WPS Strategy required under the WPS Act in June 2019, alongside Shaheen, Capito, and other Senate leaders.[124] Noting the odd optics of the event and alluding to Ivanka's leadership on the issue in the White House, the *Wall Street Journal* wrote, "With President Trump feuding with congressional Democrats on multiple fronts, an event such as this one—a senior White House official joining a Democrat to advance a policy goal—is a rare occurrence."[125] Ivanka's appearance was consistent with the Trump Administration's unorthodox policymaking and lent further credence to her involvement in the bill's signature by her father.

Regardless of the reasoning behind the bill's signature into law, women's advocacy groups were largely ecstatic at the news of the bill's enactment.[126] Inclusive Security's Swanee Hunt, called the WPS Act "a quiet bipartisan landmark, the culmination of more than two decades of relentless advocacy to involve women in decisions on war and peace."[127] WAND expressed satisfaction at the passage of such "extraordinary" legislation and highlighted their members' efforts over the past five years to advocate for the bill including participating

121. "President Donald J. Trump Signs H.R. 2519, S. 327, S. 810 and S. 1141 into Law," The White House, October 6, 2017, at https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-signs-h-r-2519-s-327-s-810-s-1141-law/.

122. Michael Collins, "With Help from Ivanka, Bob Corker and President Trump Are Friends Again," wkyc.com, February 22, 2018, at https://www.wkyc.com/article/news/nation-now/with-help-from-ivanka-bob-corker-and-president-trump-are-friends-again/465-483f0e99-fe0c-4ed4-917d-1f7f6e6c6e37.

123. "President Donald J. Trump Is Supporting Women's Political Empowerment Through Increased Participation in Global Security Processes," The White House, June 11, 2019, at https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-supporting-womens-political-empowerment-increased-participation-global-security-processes/.

124. Lucey, "Ivanka Trump Pushes Initiative to Give Women Bigger Role in Global Peace Efforts," at https://www.wsj.com/articles/ivanka-trump-pushes-initiative-to-give-women-bigger-role-in-global-peace-efforts-11560265589.

125. Lucey, at https://www.wsj.com/articles/ivanka-trump-pushes-initiative-to-give-women-bigger-role-in-global-peace-efforts-11560265589.

126. Kambou, "New Law Will Ensure Women a Seat at the Peace Table," at https://www.icrw.org/news/new-law-will-ensure-women-seat-peace-table-2/.

127. Hunt, "The Women, Peace, and Security Act," at https://womensenews.org/2018/03/the-women-peace-and-security-act-a-rare-milestone/.

in hundreds of meetings with congressional offices and writing scores of letters to the editor and op-eds.[128]

Within days of the bill's signature, the perfect storm of personalities and events that had come together to bring about the bill's passage would begin to come apart. Two days after the president's signature, on October 8, 2017, President Trump tweeted that SFRC Chairman Corker "didn't have the guts" to run for re-election, following Corker's announcement several weeks earlier than he would retire at the end of the session amid speculation he would face a right-wing challenger. Corker retorted with a tweet, calling the White House "an adult day care center."[129] The feud between the two only escalated from there until Corker's retirement.[130]

Similarly, the advocacy community that had stuck together to pass the legislation would come to question the Trump Administration's commitment to its implementation and the eventual WPS Strategy is was required to produce. While the WPS Act required a strategy by October 2018, it took another nine months for the Trump Administration to release a strategy publicly.[131] One NGO implicitly criticized the legislative compromise of allowing each administration to craft a new strategy rather than codifying the 2011 NAP, as early versions of the WPS Act had, arguing, "This gave the Trump administration the ability to craft a new strategy, aligned with their priorities and positions."[132] Other organizations went on to critique the administration's eventual strategy for its lack of connection to the actual origins of the WPS Agenda, UNSCR 1325, and its "stereotypical notions of gender" as well as "incorrect assumption that only women have a gender."[133]

Such events and critiques, nevertheless, highlighted the delicate coalition of advocacy organizations, congressional allies, grassroots supporters, and Trump Administration officials that had birthed the WPS Act. The more than five-year process from conception to passage of the WPS Act was not without disagreements, contradictions, and compromises. The concluding section summarizes the variety of factors that were critical to the bill's passage and its eventual signature into law.

CONCLUDING THEMES

Stepping back from the intimate details of the passage of the Women, Peace and Security Act of 2017, the narrative of the bill's trajectory illuminates a series of five factors that were arguably instrumental to the enactment of the WPS Act. These include the weakening

128. "Celebrating the Bipartisan Women, Peace, and Security Act," at https://www.wand.org/post/2018/01/23/celebrating-the-bipartisan-women-peace-and-security-act.

129. Jonathan Martin and Mark Landler, "Bob Corker Says Trump's Recklessness Threatens 'World War III,' " *New York Times*, October 8, 2017, sec. U.S., at https://www.nytimes.com/2017/10/08/us/politics/trump-corker.html.

130. Justin Wise, "Corker Responds to Trump Tweet: 'Alert the Daycare Staff,'" The Hill, December 23, 2018, at https://thehill.com/homenews/senate/422676-corker-fires-back-at-trump-calls-him-out-for-saying-mexico-would-pay-for.

131. Rebecca Dennis, "Will Trump's Women, Peace and Security Strategy Actually Advance Women, Peace or Security?," PAI, June 21, 2019, at https://pai.org/resources/will-trumps-women-peace-and-security-strategy-actually-advance-women-peace-or-security/.

132. Dennis, at https://pai.org/resources/will-trumps-women-peace-and-security-strategy-actually-advance-women-peace-or-security/.

133. Hannah Lynch, Kayla McGill, and Hannah Proctor, "The Limitations of the 2019 US Women, Peace and Security Strategy," *Women In International Security (WIIS) Blog* (blog), July 25, 2019, at https://www.wiisglobal.org/the-limitations-of-the-2019-us-women-peace-and-security-strategy/.

of the bill from its original language, the Trump Administration's unorthodox policymaking, the fact that the WPS Act remained a relatively low-profile bill and issue, a committed coalition of advocates, and legislators who were champions of the bill within Congress. Each of these factors is discussed in detail below.

Weakening the Bill

Many organizations within the wide coalition of advocacy groups backing the WPS Act came from generally ideologically left and feminist origins. Similarly, the bill's original sponsors, Senator Boxer and Representative Schakowsky, were both liberal Democratic women and feminists who injected their views into the legislation. As a result, the original bill was simply codifying the Obama Administration's 2011 NAP, which reflected many of the same ideological understandings that Boxer and Schakowsky shared. However, with both the House and Senate controlled by Republicans, few of whom subscribed to similar views on women's rights, the bill's authors recognized that it could not pass the Congress in its then-current form. Moreover, as discussed above, many minor tweaks were made to the legislative language over the course of the bill's progress, including weakening requirements on the administration and stripping out language referring to UNSCR 1325.

Donald Steinberg, the former Deputy Administrator of USAID under President Obama, commented on this issue, writing, "The Act signed by President Trump in October 2017 was a triumph of persistence, but it was less ambitious than what many advocates had envisioned. It provided the Administration a platform on which to build, but it issued few directives. Too often, the Act used terms like "should" and "may" rather than "shall" or "must." And significantly, it did not authorize or appropriate any additional funds to achieve its goals."[134] While these frustrations also seemed to reflect the views of many of the bill's original advocates, such compromises appeared necessary to secure greater Republican support for the bill and ensure its passage.

Trump Administration's Unorthodox Policymaking

While the Trump Administration did not appear to play much of a role in the bill's trajectory through Congress, the unique role played by Senior Advisor to the President and First Daughter Ivanka Trump likely influence President Trump's decision to sign the bill into law. In a conventional administration it is possible the administration would have worked more closely to craft the bill to its liking. However, the relatively minor differences between the version of the bill that passed the House just after the 2016 election and the one debuted after Trump was president suggests that the White House was not particularly involved in the negotiations. Moreover, the administration never put out a Statement of Administration Policy, which is typically released by the White House's Office of Management and Budget to signal its approval or disapproval of legislation.[135]

Trump's unorthodox approach to policymaking and the influence of his daughter and son-in-law on his policymaking was undeniable. One later example was criminal justice reform. Kushner became the de facto White House liaison on the issue and eventually Trump

134. Donald Steinberg, "OSF Fellow Ambassador Donald Steinberg on the U.S. Strategy for Women, Peace and Security—Seizing the Moment?," Our Secure Future, June 29, 2019, at https://oursecurefuture.org/blog/osf-fellow-ambassador-donald-steinberg-us-strategy-women-peace-and-security%E2%80%94seizing-moment.

135. Meghan M. Stuessy, "Statements of Administration Policy" (Washington, DC: Congressional Research Service, June 21, 2016), 1, at https://crsreports.congress.gov/product/pdf/R/R44539.

signed a major reform of federal sentencing into law. The *New York Times* later reported that Trump told associates, "he had signed legislation overhauling criminal justice in 2018 not because it was an issue that he was passionate about, but because Jared Kushner, his son-in-law and senior adviser, had wanted him to."[136] It appeared that Trump's daughter Ivanka had the same influence on him with regard to the WPS Act.

Her personal interest in policy issues affecting women, coupled with Trump's allowance for freelancing by his daughter and son-in-law on issues of interest to them irrespective of the politics of the issues, gave Ivanka the ability to influence his views on the bill. Her subsequent development of the Women's Global Development and Prosperity Initiative, led by the White House, and her involvement in the unveiling of the WPS Strategy alongside Senate leaders, suggested she had significant sway over the administration's views on gender equity and empowerment.[137]

In addition, her close relationship with the SFRC Chairman Bob Corker may have played a role in facilitating the administration's decision to support and sign the bill. As someone new to the policymaking world in Washington, DC, having a powerful ally in Corker was incredibly helpful as Ivanka developed her areas of policy focus. Moreover, this provided Corker with insight into the administration and an ability to push the issues close to his heart. While there is no direct evidence that Corker and Ivanka discussed the WPS Act, her own interest in the issue and Corker's pledge to Senator Boxer to get the bill enacted seem to suggest that Corker may have had an influence on Ivanka and thus, the administration's decision to sign the legislation.

A Low-Profile Issue

As political issues go, the WPS Act was a relatively low-profile piece of legislation that allowed bipartisan cooperation to a greater extent than if it had attracted greater media or public attention. There were no major news stories about the legislation during its passage and it never became a partisan issue. Moreover, as online public comments about the bill suggest, it is not difficult for someone without understanding of the issue to misconstrue its intent or argue against it.[138] Because the bill flew under the radar of partisan politics, it was able to secure the backing of a wide ideological range of congressional representatives from across both parties, from fierce anti-abortion crusader Chris Smith of New Jersey, to racial-equity advocate Sheila Jackson Lee of Texas.

While partially a reflection of the lack of attention it received, no member ever requested a vote on the record for the bill. Thus, when the WPS Act came before the HFAC, SFRC, and then the full House and Senate, all votes were held by voice vote. This suggested that neither the Republican leadership in the House nor Senate felt it would be politically

136. Peter Baker and Maggie Haberman, "Trump Rebuffs Protests Over Systemic Racism and Calls Police 'Great People,'" *The New York Times*, June 8, 2020, sec. U.S., at https://www.nytimes.com/2020/06/08/us/politics/defund-police-trump.html.

137. Adva Saldinger, "What Has Trump's Flagship Women's Initiative Achieved so Far?," Devex, March 26, 2020, at https://www.devex.com/news/sponsored/what-has-trump-s-flagship-women-s-initiative-achieved-so-far-96829; Lucey, "Ivanka Trump Pushes Initiative to Give Women Bigger Role in Global Peace Efforts," at https://www.wsj.com/articles/ivanka-trump-pushes-initiative-to-give-women-bigger-role-in-global-peace-efforts-11560265589.

138. "Senate Bill S. 1141 - Do Women Need to Play a Larger Role in Preventing and Resolving Armed Conflict?," Countable.us, 2017, at https://www.countable.us/bills/s1141-115-women-peace-and-security-act-of-2017.

advantageous to hold an on-the-record vote (nor did any member request one as they could have). By not attracting the attention of partisan groups or national media, the WPS Act was able to sail through Congress without significant political or institutional roadblocks.

A Committed Coalition of Advocates

The WPS Act also benefitted from a significant, passionate base of supporters, from grassroots advocates to gender-focused organizations and experts. The formation of the CSWG on WPS in 2010 to advocate for the creation of a NAP created the infrastructure for the group to continue to have influence to this day.[139] The group of NGOs, practitioners, advocates, and others that formed the CSWG was instrumental to the bill's original introduction in 2012. Along with advocacy groups with larger memberships like Amnesty International and J Street, the CSWG continued to push legislators to support the bill.[140]

From the beginning, despite a lack of Republican support at times, the CSWG emphasized the bipartisan nature of the WPS agenda and the WPS Act.[141] One gender equality advocate wrote about the wide range of political leaders supporting the bill, "That all these players could embrace the bill demonstrates the broad acceptance this approach has earned across the aisles of power."[142] That support was "the result of years of work by peace advocates, defense experts, researchers, policymakers and women's rights activists around the world" to create and define the WPS agenda and then consistently advocate for the WPS Act before the US Congress.[143] This wide coalition meant that activists could ask their congressional representatives to support the bill while other organizations and experts could engage with congressional staff to explain the nuances of the bill and make changes to garner support. Indeed, other supporters and members of the CSWG testified before the SFRC and HFAC and called on Congress to pass the bill.[144] This combined grassroots and grasstops strategy by the CSWG and allied organizations and activists kept the WPS Act on the Congress's agenda, despite changes in the lead sponsors in Congress, and successfully built the momentum to ensure its passage.

Legislative Champions

At key points throughout the legislative process, these lawmakers sought to use their

139. U.S. Civil Society Working Group, "U.S. Civil Society Applauds the Introduction of the Women, Peace, and Security Act," at https://www.inclusivesecurity.org/wp-content/uploads/2012/08/U.S.-Civil-Society-Applauds-the-Introduction-of-the-Women-Peace-and-Security-Act_8.1.12.pdf.

140. "Congress Introduces Legislation to Bring Women to the Peacemaking Table"; Nancy Bernstein et al., "It's Time for More Women in Negotiations," *J Street* (blog), June 28, 2016, at https://jstreet.org/blog-its-time-for-more-women-in-negotiations_1/.

141. U.S. Civil Society Working Group, "U.S. Civil Society Applauds the Introduction of the Women, Peace, and Security Act," at https://www.inclusivesecurity.org/wp-content/uploads/2012/08/U.S.-Civil-Society-Applauds-the-Introduction-of-the-Women-Peace-and-Security-Act_8.1.12.pdf.

142. Hunt, "The Women, Peace, and Security Act," at https://womensenews.org/2018/03/the-women-peace-and-security-act-a-rare-milestone/.

143. Kambou, "New Law Will Ensure Women a Seat at the Peace Table," https://www.icrw.org/news/new-law-will-ensure-women-seat-peace-table-2/.

144. "Hearing Before the Subcommittee on International Operations and Organizations, Human Rights, Democracy, and Global Women's Issues of the Committee on Foreign Relations, United States Senate, One Hundred Thirteenth Congress Second Session, on Combating Violence and Discrimination Against Women: A Global Call to Action," 33, at https://www.govinfo.gov/content/pkg/CHRG-113shrg93138/pdf/CHRG-113shrg93138.pdf; "Hearing Before the Committee on Foreign Affairs, United States House of Representatives, One Hundred Fourteenth Congress, Second Session, on Women Fighting for Peace: Lessons for Today's Conflicts," 25, at https://www.govinfo.gov/content/pkg/CHRG-114hhrg99552/pdf/CHRG-114hhrg99552.pdf.

institutional power and influence to push the bill forward. In statements following the bill's passage, numerous advocacy organizations highlighted the important role that the congressional sponsors had played in the bill's passage. ICRW President Sarah Kambou remarked, "We are particularly grateful to our congressional champions on this issue. The bipartisan teams in both the Senate and the House have ensured that the voices, contributions and needs of women are amplified and prioritized when addressing conflict."[145] Inclusive Security's Hunt specifically called out Democratic Senator Shaheen and Republican Representative Royce as the bill's "the most passionate advocates."[146]

For years without much fanfare or progress, Senator Boxer shepherded the bill through the Senate. It was then when Representative Schakowsky took over the bill in the House did it begin to make progress and gain traction among Democrats. But it was her decision to give up the lead sponsorship to Republican Representative Noem that brought the bill true bipartisan support and momentum. Noem pushed SFRC Chairman Corker at the end of the 114th Congress to pass the bill and despite not succeeding initially. HFAC Chairman Royce was also instrumental to getting the bill over the finish line in the House. By holding hearings on issues surrounding the WPS agenda, getting the HASC to waive its jurisdiction of the bill, and urging Republican leadership to find time on the House floor for the bill, Royce's clear passion for the issue of gender equality translated into meaningful progress towards the WPS Act's passage.

Moreover, the persistence of the women on the SFRC, with Boxer handing the torch to Senator Shaheen, was critical to the bill's passage in the Senate. Later one of her colleagues on the SFRC, Senator Chris Murphy of Connecticut, remarked, "It should not be her burden to bear—to be the member of the committee who most often raises issues surrounding global women's health … The rest of us should probably step up to the plate and take that responsibility off of her."[147] Yet without Shaheen's persistence the bill may not have passed in the Senate. Each in distinct and critical ways, these legislators dedicated time and attention to ensure the passage of the bill, despite the lack of media attention or clear political benefits.

FINAL REFLECTIONS

Although the Trump Administration's implementation of the WPS Act and its initial strategy released in 2019 has been met by skepticism and concern by a variety of groups that work on WPS issues, the passage of the WPS Act heralded a new era of US foreign policy.[148] While the act and its required strategy may not initially result in the transformative change that advocates sought in its passage, the fact that it has been codified as a requirement of

145. Kambou, "New Law Will Ensure Women a Seat at the Peace Table," at https://www.icrw.org/news/new-law-will-ensure-women-seat-peace-table-2/.

146. Hunt, "The Women, Peace, and Security Act," at https://womensenews.org/2018/03/the-women-peace-and-security-act-a-rare-milestone/.

147. Emily Tamkin, "How Jeanne Shaheen Fills a Void in Trump's Foreign Policy," POLITICO Magazine, February 25, 2019, at https://politi.co/2NuccY1.

148. Teresa Welsh, "Lawmakers Question Who Will Implement US Women, Peace, and Security Strategy," Devex, June 14, 2019, at https://www.devex.com/news/sponsored/lawmakers-question-who-will-implement-us-women-peace-and-security-strategy-95112; Lynch, McGill, and Proctor, "The Limitations of the 2019 US Women, Peace and Security Strategy," at https://www.wiisglobal.org/the-limitations-of-the-2019-us-women-peace-and-security-strategy/; Dennis, "Will Trump's Women, Peace and Security Strategy Actually Advance Women, Peace or Security?" at https://pai.org/resources/will-trumps-women-peace-and-security-strategy-actually-advance-women-peace-or-security/.

future administrations gives advocates and allies within those administrations the platform to build on the progress that has been accomplished. Moreover, the Trump Administration's perhaps surprising embrace of the legislation may herald more forward-thinking strategies by future Republican administrations and lessen any partisan affiliations the issue may have previously had. Last, the passage and signature into law of the WPS Act serves as a useful reminder that in spite of the partisan and divisive political environment, a group of concerned citizens with an innovative policy can still transform that idea into a federal law.

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Gender in the Global Community
2019–2020 Contributors

** Biographical statements reflect student standing at the start of the fellowship year.*

JAKE GUTMAN is a first year MPA student at the School of Public and International Affairs (SPIA). He grew up in Los Angeles, CA, and graduated from the University of Pennsylvania with a degree in political science and modern Middle Eastern studies. Following graduation, he was a visiting researcher at Queen's University Belfast in Northern Ireland where he conducted research and edited a manuscript on the Muslim Brotherhood. He then moved to Washington, DC, where he was a James C. Gaither Junior Fellow in the Democracy and Rule of Law proram at the Carnegie Endowment for International Peace focusing on the expansion of global authoritarianism and international support for women's political empowerment. Prior to attending SPIA, Jake was a legislative aide to Senator Cory Booker of New Jersey where he supported the senator's role on the Senate Foreign Relations Committee, as well as his work on defense policy and veterans affairs.

SEOYOUNG HONG is a 3rd year undergraduate from Michigan in the School of Public and International Affairs pursuing certificates in Gender and Sexuality Studies and Journalism. She is studying abroad for the fall 2019 semester at the University of Cambridge taking courses in Media, Culture, and Society, and Gender and Politics. Her current research project is on gender and terrorism with a focus on legal policies and deradicalization programs for women and children returnees. Outside of her studies, Seoyoung is a dancer in Princeton University Ballet and BodyHype Dance Company and is an officer for Princeton Women's Alliance.

MIKAYLAH LADUE is a senior in the Anthropology department, with a legal and political specialization, and is pursuing certificates in Gender and Sexuality Studies and Latin American Studies. Her research focuses on the intersection of drugs, crime, and sexual violence, with a focus on how drug policy legislation obscures women from consideration. As a GGC fellow during the 18-19 academic year, she produced a paper entitled "Sex, Drugs, and Violent Crime: Gendered Dimensions of Drug Use and Consequences for Children." This past summer, Mikaylah was a legal counseling intern at the Women's Law Project in Philadelphia, PA, and contributed to research on the state of sexual violence among girls in the city. On campus, she is a pre-law fellow and the co-director of two student organizations, Finding the Match and Habitat for Humanity.

KATRIN LEWIS is a senior in the School of Public and International Affairs, pursuing a certificate in History and the Practice of Diplomacy. On campus, she is a captain of the Women's Swimming and Diving team. Her academic interests include international development as well as global female economic empowerment and representation in government. This past summer, she worked in La Paz, Bolivia at the International Institute for Democracy and Electoral Assistance where she studied local electoral laws and was involved in youth and female voter participation initiatives. As a GGC fellow, she hopes to study the impact, and potential for impact, that government policies can have on empowering women both politically and economically.

LIZA PAUDEL is a first year MPA candidate at the School of Public and International Affairs (SPIA). Born and raised in Kathmandu, Nepal, she graduated from Colgate University with a degree in International Relations and Women's Studies. While at Colgate, she conducted independent research projects studying the political rehabilitation of Maoist ex-combatant women after the Nepalese civil war, and documenting oral histories of Bhutanese Nepalese refugees in upstate New York. After graduation, she worked in the financial industry before joining MDRC, a non-profit social policy research organization, where she worked on policy evaluations of federal programs focused on workforce development. At SPIA, she is pursuing economics and international development, and is also a candidate for the Science, Technology and Environmental Policy Certificate.